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HINTS

ON

TOLERATION:

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IN FIVE ESSAYS:

I. On the RIGHT of SOCIETY to investigate the RELIGIOUS PRINCIPLES of its SUBJECTS;
II. On SPECIFICK LIMITATIONS to the extent of an Enlightened RELIGIOUS TOLERATION;
III. On ELIGIBILITY to OFFICES of PUBLICK TRUST;
IV. On LICENSING Persons and Places for the Performance of DIVINE WORSHIP;
V. On the LIBERTY of the PRESS:

SUGGESTED FOR THE CONSIDERATION OF

THE R^T HON^BLE LORD VISCOUNT SIDMOUTH,

AND THE

DISSENTERS.

BY *PHILAGATHARCHES.*

"He that ruleth over men, must be just, ruling in the fear of God."
2 SAM. xxiii. 3.

"Est enim unum jus, quo devincta est hominum societas et quod lex constituit una: quæ lex est recta ratio imperandi atque prohibendi: quam qui ignorat, is est injustus, sive est illa scripta uspiam, sive nusquam." CIC. *de Legibus.*

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PREFACE.

THE great business of Legislation never assumes a more important aspect, than when we view its particular influence on the moral and religious character of a nation: and there are but few nations, in which the laws have not either a more direct or remote influence on the religious opinions of the people.

Religion is one of the most powerful of those operative agents which affect the character of man. The laws, therefore, which any nation enacts upon this subject, must

must ever be ranked among the most important of its statutes, and must be esteemed the chief causes of the moral and religious peculiarities of the nation. We are accustomed to associate with religion our dearest interests: the most powerful motives and springs of action are deduced from it: and of all the sentiments and opinions we hold, there are none which, from their own nature, and the constitution of the human mind, are so manifestly calculated to give a peculiar cast to the character.

The mighty influence of such laws can be no where better seen than in the history of Rome, since the establishment of Christianity by law. It is impossible to contemplate the wretchedly degraded character of all those nations, to which the Roman pontifical power extended, without ascribing

bing their ignorance, their cruelty, and their vice, to that absurd union of the civil with the ecclesiastical authority, which armed the priest with a sword, and empowered him to enforce his doctrines by appeals to the statute book. The deterioration of moral character, which took place in all these nations, originated in that oppressive and impolitick system of legislation, which followed on the accession of Christianity and Constantine to the throne of Rome. The legal establishment of Popery has, indeed, always been followed by vices of the very worst kind, among all classes of the community; and but few nations can be found, that have not felt the baneful influence of those laws which were enacted to enforce religion.

But while this has been the infelicity of most nations on the continent of Europe, our

our own country, under the auspices of the Genius of Liberty, has demonstrated, that both national virtue, and every species of secular improvement, are best secured where the fewest restraints are imposed on the consciences of the people. England, at the present day, furnishes a striking illustration of the happy effects of that wisdom, which has avoided interference on a subject so delicate and so important. Our prosperity and our tranquillity are the legitimate effects of that civil and religious liberty we enjoy. It is this liberty which has so long characterized our nation: it was for this our predecessors so long struggled, and so often fell: and for the preservation of this liberty, unimpaired, we are indebted to the enlightened system of modern legislation, and the liberal spirit of our venerable and invaluable Sovereign.

But,

But, notwithstanding the wisdom of our legislators, and the liberality of our gracious Sovereign, important defects are still visible in the structure and symmetry of our political edifice. A considerable portion of our fellow subjects are still excluded from the full enjoyment of perfect liberty, and labour under many serious incapacities; arising, not from any civil or political discrepancy between their opinions and those of their rulers, but from the peculiarities of their respective systems of church government.

The importance of a right understanding of the question of Toleration was never more evident than at the present critical juncture, when every surrounding nation seems tottering to its base, and our own requires the utmost skill to secure it against the assault of external violence. It is only by a closer combination of our energies, and the

the banishment of every thing that would engender discord, or induce revolt; it is only by the removal of every cause that would give effect to the attempts of our foes, or unnerve a single arm in the sacred cause of Liberty; that we can expect to stand.

This is the view which every enlightened mind must take of the present situation of affairs; and it is from this view that the subject in hand derives its claims upon the attention of every patriot. Knowledge is every day spreading: men must and will think for themselves: they see their own liberty and happiness so closely connected, that no entrenchment upon either can be expected to be received without opposition. Reason sooner or later must scrutinize the laws of every state; and it must ever remain the wish of the patriotick statesman, that those laws only should stand, whose excel-

lence

lence is evinced by the beneficial effects they produce.

Impressed with these views, the author of the following pages first directed his attention to the subject in hand. The agitation of the question of Licenses, by Lord SIDMOUTH, induced him to proceed with the plan he had previously laid down, and to expedite the present publication. The work now before the Publick, though complete in itself, is only a part of the original. He begs leave therefore to state, that should the present work meet with a candid reception, and excite any considerable degree of interest in the publick mind, he will proceed to complete the task he has undertaken. The whole work is designed to embrace; First, a view of the nature, justness, and political influence, of an enlightened religious toleration: and, Secondly,

a brief general history of the extent and consequences of intolerant laws in all the nations of Christendom;—designed to illustrate the leading principles of the work.

The subject of Licenses for Preaching, to which the publick attention has recently been directed, formed, as will be seen, a part of the general inquiry the author meant to pursue, and, as it was so closely connected with the great question of Toleration, could not be discussed alone.

The author was unwilling, therefore, to offer that Essay by itself; as it required the others to accompany it, in order to complete the discussion of that particular question, and preserve the work entire. This, it is hoped, will be esteemed a sufficient reason for the publication of Five Essays, instead of one. They are, in fact, the five first chapters of the

the treatise On the nature, justness, &c. of an enlightened Religious Toleration.

As the noble Viscount, who agitated, during the last session of Parliament, the question of licensing dissenting teachers, &c. has pledged himself to bring the question again before the British Legislature, early in the next session, the author considered it a duty incumbent upon him, and rendered doubly so by the entire silence that has prevailed since his Lordship's motion, to offer to the attention of his Lordship and the Publick such observations as the subject seemed to suggest, and which, he trusts, will meet with the approbation of every enlightened and liberal statesman, and every obedient and loyal subject.

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ESSAYS

ON

TOLERATION.

Essay I.

ON THE RIGHT OF SOCIETY TO INVESTIGATE THE RELIGIOUS PRINCIPLES OF ITS SUBJECTS.

"Jamdudum quidem, cum animadverteremus non esse cohibendam religionis libertatem, sed uniuscujusque arbitrio ac voluntati permittendum ut ex animi sui sententia rebus divinis operam daret."

Eusebius.

A work containing hints on the nature, extent, and limitations of an enlightened religious toleration, can commence with nothing more suitable to the design of the writer, and the expectations of the reader, than some general observations upon the term *Toleration.*

 The

ESSAY I.

Definition of the term Toleration.

The word is unquestionably of Latin derivation, and has been adopted by us, most probably, through the medium of the French *Tolérance*. "To tolerate," says the great English lexicographer, "is "to allow so as not to hinder, to suffer," *(in the sense to permit)*, "to pass uncen- "sured." Though these definitions are incontrovertibly true, yet they do not express all that the term Tolerate seems to imply. Nothing can be said to be tolerated which we have not a *right*, as well as a *power*, to prevent or forbid. The word, in every application cited by Dr. Johnson, supposes the existence of this right and power, on the side of the party tolerating. It must, indeed, be granted, that the possession of the power to forbid or hinder, generally, but not necessarily, supposes the existence of the right. A thief may possess the power to break into my

Implies right to forbid.

my house and rob me; and, hence, if he refrained from such violence, he might say, that he tolerated me to live peaceably in my own house: but it must be obvious to every one, that, in such a case, the term *toleration* would be grossly misapplied. For though he has the power to deprive me of the peaceable possession and enjoyment of my home, yet he has no right either to destroy or diminish any of my comforts, by the exercise of that power. I conclude, therefore, that the word *toleration* is misapplied, in all cases, where the party who tolerates enjoys nothing but the power of hindering: and, further, that the right must exist, in conjunction with the power, before we can arrogate to ourselves the authority of tolerating what we disapprove. A master may tolerate disobedience in a servant; a father may tolerate misconduct in his

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son; but it never can be said, with any degree of propriety, that I tolerate my neighbour to think for himself. Now, if the principles I have laid down be admitted, it must be egregiously absurd to speak of one form of religion tolerating another, without supposing a natural right, as well as an existing power, in the one tolerating, to hinder or forbid the other. That such a right does not appertain to the official character of the ministers of religion, but few persons will feel inclined to deny. Whether it is to be considered as forming a constituent part of the office of the civil magistrate, is yet to be investigated.

Misapplied to religious liberty.

No such right possessed by ministers of religion, nor by civil rulers.

Every liberal-minded man, both in and out of the established church of our country, must feel thankful to God, that the disposition of our civil rulers does not lead them to enforce their peculiar religious

religious sentiments by corporeal tortures: but, we presume, this exemption from gross acts of persecution furnishes no cause for gratitude to man; since it is neither an indulgence which was not to be expected, nor a favour that might justly have been withheld. Though it be a vice of no light shade to be intolerant, yet it is no virtue to permit the free exercise of differing modes of worship; any more than it would be, to permit a fellow subject to live quietly in his own house, and enjoy the fruits of his own industry. If, then, a civil ruler *tolerate*, it must be upon the principle, that he might forbid or prevent; and every one who acknowledges the authority of a ruler to tolerate, at the same time admits, that, should that ruler feel disposed, or imagine it necessary, he has a right, either from the nature of his office,

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office, or the radical principles of the social compact, to enforce conformity to that which he shall propagate as the national creed. But I hope to prove, that the authority which the word *Tolerate* supposes the magistrate to possess, cannot be defended upon either of these grounds.

The magistrate's office does not require it.

That the office of the magistrate neither requires nor supposes such authority, will be evident, whether we recur to the first institution of civil society, and view his office in its simplest form, or contemplate it in that state of society, in which the duties of the magistrate become more complicated, and give a different aspect to the office he sustains.

Origin of civil power.

It must be admitted, that the office of the civil ruler could arise only out of those mutual compacts and agreements into which men entered when they began

began to associate into large companies, and form themselves into martial tribes for their mutual defence. The power of the Chief or leader (which was the first form of the magistrate's office) could extend only to the general operations of the tribe, and the determination of suitable punishments for those who transgressed the rules of the society. The end which the institution of the civil power had in view, was the attainment of some good, which, otherwise, could not have been enjoyed, or the prevention of some evil, against which this was deemed the best security. The advancement of men's temporal interest must, indeed, have been the primary, and only object, which could suggest the institution of the magistrate's office. The nature of his office must, therefore, be defined by the objects which the insti-

The objects of the formation of society.

The nature of the magistrate's office hence defined.

ESSAY I.

institution of civil society had in view; and the duties attached to that office rest exclusively on those principles which form the basis of the great political fabrick.

Opinion of Warburton on civil society.

What these principles were, is satisfactorily explained by the learned Warburton. "Civil society," says that writer, "I suppose, will be allowed to have been "instituted for the attainment of some "determined end or ends. If so, then "for some, without consideration had to "others; which again infers the necessity "of distinguishing this end from others. "But the distinction can arise only from "the different properties of the things pre-"tending. But again, amongst all those "things, which are apt to obtrude, or "have, in fact, obtruded themselves on "men, as the ends of civil society, there "is but one difference in their properties, as

" as ends, which is this: *that one of these*
" *is attainable by civil society only, and all*
" *the rest are, with equal ease, attainable*
" *without it.* The thing, then, with the
" first-mentioned property must needs be
" that genuine precise end of *civil society.*
" And this is no other than the SECURITY
" OF THE TEMPORAL LIBERTY AND PRO-
" PERTY OF MAN. For this end, as we have
" shewn, civil society was invented; and
" *this* civil society alone is able to procure.
" Its great, but spurious rival, the *salva-*
" *tion of souls,* or the security of man's
" future happiness, is therefore excluded
" from this part of the division. For this
" not depending upon outward accidents,
" or on the will or power of another, as
" the body and goods do, may be as well
" attained in a state of nature, as in civil
" society; and therefore, on the principles
" here delivered, cannot be one of the
causes

ESSAY I.

"causes of the institution of civil society; "nor consequently one of the ends "thereof. But if so, the promotion of it "comes not within the peculiar province "of the magistrate."[1]

These duties the same in the advanced state of society.

As to the more advanced state of society, it must be generally admitted, that no duties can attach to the office of the magistrate which are incompatible with the principles upon which that office was instituted, or which entrench upon the most perfect enjoyment of personal liberty, while that liberty does not interfere with the liberties of another. Now, as the promotion of religion formed, originally, no part of the magistrate's province, and, from its nature, as I shall afterwards shew, never could fall within his jurisdiction, and as all the good religion can produce to civil society is best attain-

Promotion of religion not the magistrate's province.

(1) See *Div. Leg.* Book II. sect. 5.

attainable when truth is left to make its way by its own light, and when no restraint is laid upon the consciences of men, it ought to follow, that even the more complicated duties of the magistrate should not involve the exercise of any influence in the promotion of one system of religious opinions, to the detriment of another. I do not here mean to state, that, in a refined and polished form of government, the duties of the magistrate ought not to embrace a regard to publick morality, or a countenance to religion in general; for these I consider as the firmest bond of social union. The only question then is, Can all the advantages which religion is capable of procuring to the state, be enjoyed without the production of those evils which have always followed judicial interference, to suppress one mode, and establish

Promotion of morality part of his duty.

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establish another? The preservation of the morality of the state, and the peace of the individual, are points perfectly distinct from forms of worship and systems of religion. I should therefore feel no hesitation in answering the question in the affirmative. It needs, I apprehend, little proof, that, if the attention of the civil magistrate were exclusively directed to these two points, the preservation of morality (I mean morality in cases where immorality would be injurious to any of our fellow subjects), and the security of every individual's person, character, and property, all would be done, that can be done, without an infringement on the rights of some of the subjects, and without the admission of a principle which I conceive capable of application to the worst of purposes; viz. That, irrespective of any injury my sentiments may

may prove to my fellow subjects, I am deserving of judicial censure, and the infliction of civil penalty.

Social compact concedes to the magistrate no authority in religion.

It is incumbent upon me now to shew, that the authority which the word *Tolerate* supposes the magistrate to possess, cannot be defended from the radical principles of the social compact. That degree of authority which *toleration* implies can never be conceded without a total surrender of our natural rights; and, if it can be proved that our connexion with society does not involve such a surrender of all natural rights, the proposition I at first laid down must be considered well established.

Some of our rights unalienable.

That man has natural rights which he cannot surrender, while the exercise of reason continues, and which he will not surrender so long as he feels himself an accountable being, is too obvious to be contro-

What these rights are.

controverted. The free exercise of our reason, in the formation of speculative opinions, and perfect liberty to worship God in that mode we may be convinced is acceptable, are natural rights which no one man can deny to another, without exposing himself, on his own principles, to the same loss of natural rights, whenever Providence may advance his degraded and fettered neighbour to the possession of the sword.

Opinion of Burke and Hey stated.

But it has been asserted by many writers of the highest eminence, that these natural rights are altogether relinquished, when we offer ourselves as members of civil society. We surrender into the hands of society, it is said, all control over our actions, the moment we leave a state of nature; and for this, in return, we receive the superior and more valuable advantages of an established

govern-

government, and a regular administration of justice. This sentiment is maintained, in nearly its full extent, by the eloquent Mr. Burke and the learned Mr. Hey. "The rights I can conjecture," says this latter writer, "(for it is but "conjecture) to belong to me as a mere "man, are so uncertain, and, comparatively, so unimportant, while the rights I feel "myself possessed of in civil society are so "great, so numerous, and many of them so "well defined, that I am strongly inclined "to consider society as creating or giving "my rights, rather than as recognising "and securing what I could have claimed, "if I had lived in an unconnected state."

This shewn to be inconsistent with the origin of society.

That connexion with society necessarily supposes a curtailment of some of our rights, must be readily conceded, by all who contemplate the nature of a civil community; but, that the greatest and most

ESSAY I.

most valuable of our natural rights ought not to be surrendered to any form of government whatever, will, I conceive, appear more fully, if we consider that the end to be answered by the formation of society would be defeated by such a surrender. It is manifest, that society originated in a principle of self-love; we are associated for the purpose of securing to ourselves the enjoyment of greater good than could possibly be realized in a state of nature; and every connexion of a social nature that has not this for its object, and every institution in civil society which does not contribute to promote the happiness of the majority of its members, is an invention unwise in its formation, and baneful in its influence.

Benefits society can bestow no equivalent for the sacrifice of principle.

If reason be the noblest gift of the Creator, if the exercise of our mental faculties and the indulgence of our moral views and

and feelings constitute the chief source of our happiness, a resignation of them must be the forerunner of misery, and a prelude to the most abject degradation. That union, therefore, which infringes upon these, would defeat the object for which society was at first established, and which alone can justify its continuance. Society has nothing to offer, which could in any degree compensate for a sacrifice so large and momentous. The advantages it bestows are but partial, and, therefore, never can form an equivalent for an abandonment of those rights which designate man a rational and accountable creature.

Reasons why society should not possess authority in religion.

All the preceding arguments have tended to prove, that neither the nature of the magistrate's office, nor the principles on which our social union is formed, will justify the use of the term *Toleration*,

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in reference to the conduct of governors, when they do not oppress nor persecute a religion which they disapprove.

I now proceed to shew the reasons why society should *not* possess *the right to investigate the religious principles of its subjects*; and why our connexion with society should *not* involve *a surrender of the rights of conscience to the domination of an individual or the whole community.*

Definition of religious principles.

Before I proceed to a statement of these reasons, I beg leave to premise, that, by religious principles, I mean the judgements we form, and the sentiments we hold, concerning matters of religious belief; and, in the subsequent part of this Essay, I wish to be understood as speaking of religious sentiments, irrespective of their effects on the conduct, and unconnected with secular politicks.

In this view, our religious principles

can

Society receives no injury.

can never be injurious to the community of which we form a part; for since sentiments are the judgements of our own mind, and have their origin and existence in our own breasts, while they continue there unconnected with overt acts, they may be said to terminate in ourselves; and whether I bend the knee to Moloch, to the Sovereign of Olympus, to the Inca of Mexico, to the Prophet of Mecca, to the Virgin Mary, to Christ as a man, or to the triune Jehovah, I infringe upon none of the rights or enjoyments of my neighbour, and am, therefore, in no degree amenable to the tribunal of political justice. Whether I believe, with the Ancients, the world to have been eternal, or receive the authenticated testimony of Moses, that it has not existed six thousand years, to God I am accountable for the belief or rejection of either; but

ESSAY I.

against my neighbour I commit no trespass, should I reject both the hypothesis of the philosopher, and the testimony of the Jewish legislator. I lose no privilege, sustain no personal injury, am deprived of nothing that is my due, should my next door neighbour believe the ludicrous tale of Ovid, that Deucalion and Pyrrha repeopled the world after the flood, by throwing stones over their shoulder; while I believe, that all the present inhabitants of the world descended from the family of Noah. Consequently, as society receives no injury from a man's belief, it can have no right to punish him simply for that belief, though it be the most absurd imaginable: hence, on the part of the magistrate, it is a manifest innovation to extort a confession of religious opinions, by any methods of coercion.

The official duties of the magistrate refer

The authority of the magistrate does not extend to principle.

refer only to distributive and executive justice; and in this, which is his only publick capacity, he can on no occasion be appealed to as the oracle of truth. Every rational mind would revolt at the idea of inquiring in the statute books, whether the soul be immortal, whether there shall be a resurrection of the body, or whether the pains of hell will be eternal: equally absurd would it be to constitute the magistrate an ecclesiastical inquisitor into that inviolable arcanum of human thought, where principle is sacred to ourselves and God. As laws are framed for the regulation and well-being of society, and the magistrate is nothing more than the *law in act*, or, in the language of Cicero[1], "Dici potest, magistratum legem "esse loquentem; legem autem, mutum "magistratum," and hence derives his whole

(1) De Legibus, lib. III.

whole power from the law, he cannot judicially investigate principle; since that in no case militates against the order and well-being of the community. To punish a man with racks and tortures for a belief of erroneous sentiments, is, on the part of rulers, an assumption of a power which they never can derive from their legal character as the ministers of justice, and which, from the nature of the case, never could be conceded to them. To commit into the hands of the magistrate the power of scrutinizing principle, and punishing for sentimental delinquency, would be to invest him with an unlimited degree of authority, liable to the most extravagant abuse; and to surrender, on our part, the independence of reason, the decisions of judgement, and the dictates of conscience.

Evils that would arise from such authority.

The shades of religious principle in the mind

mind are so various and indefinite, that, to constitute the magistrate an inquisitorial casuist, would be to encumber the conscience of a good ruler with perplexing doubts and painful remorse; or, to open in a bad one a fruitful source of licentiousness, tyranny, caprice, and malignity. Nor should it be forgotten, that we are constitutionally incapable of relinquishing, in any case, our convictions of truth. Principle alone can counteract principle; truth alone can banish error from the mind: and, hence, our religious principles will always depend for their rectitude and purity, not upon the laws of our country, and the decisions of governors, but upon the degree of light in our understandings.

It would suppose the magistrate infallible.

Again: To rest religious sentiments upon the decisions of the civil magistrate, would be to suppose in him an infallible

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infallible judgement, in all cases of truth and error; for if the person, to whom we are to render an account, be as liable as ourselves to form an erroneous opinion, there would be a most glaring impropriety in investing him with a power to punish, in a case where he has no superior capacity of judging: and, upon the supposition that he may, sometimes, give a wrong decision, he, who should be judge, ought to incur the penalty as the delinquent. Penal laws, and the executive power of the magistrate, have their origin in the voice of the people; they can prove no supernatural derivation; they are dignified by no apostolic origin; they exhibit none of the usual marks of divine communications: and, therefore, it must be the height of presumption in governors, fallible as their subjects, to enforce such laws as, in any degree, infringe

fringe on the rights of conscience. Well might the persecuted subject retort on the presumptuous ruler: "First cast out "the beam out of thine own eye; and "then shalt thou see clearly to cast out the "mote out of thy brother's eye[1]." Shall he, who but yesterday was himself a subject, and stood on the same level as others, be to-day constituted an oracle of religious belief, and prescribe a creed for his neighbour; or imperiously dictate to the conscience of him who was lately his class-mate in the school of literature, and who was never accustomed to view him as his superior, till he was dignified with the awful insignia of office?

It would transfer the responsibility from the individual to the civil ruler.

It is, further, worthy of observation, that, to constitute the magistrate a judge in matters of religious belief, would transfer

(1) Matt. vii. 5.

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transfer the responsibility attaching to the religious sentiments of each individual, to the person of the civil ruler, and make him an intermediate person between the subject and God. That every individual is responsible to God for his transactions in this probationary state, must be universally admitted, by all who receive the Scriptures as a criterion of faith and a rule of obedience: "He that believeth, and is "baptized, shall be saved; but he that be- "lieveth not, shall be damned[1]," is the decision of Him, who "spake as never man "spake:" and, again, it is written, "We "must all appear before the judgement "seat of Christ, that every one may receive "the things done in his body, according to "that he hath done, whether it be good "or bad[2]:" and, finally, our Lord, after descri-

This would be inconsistent with God's moral government.

(1) Mark xvi. 16. (2) 2 Cor. v. 10.

describing the nature and transactions of the general judgement, pronounces, "And these," the wicked, "shall go away "into everlasting punishment; but the "righteous into life eternal[3]." All these Scriptures pre-suppose, that every individual is an accountable being: he possesses understanding, will, and conscience; and the free exercise of these faculties renders him accountable to the Author of his existence, for the abuse or improvement of every power with which he is endowed.

In coincidence with this sentiment, Jeremiah saith, "They shall say no more, "the fathers have eaten a sour grape, and "the children's teeth are set on edge: But "every one shall die for his own iniquity; "every one that eateth the sour grape, his "teeth shall be set on edge[4]." But, if the civil

(3) Matt. xxv. 46. (4) Jer. xxxi. 29, 30.

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civil ruler, or the legislative body, presumes to enforce articles of faith, or forms of divine worship, the accountableness, which would devolve upon the individual, must be transferred to those, whose decisions he is necessitated to obey. By such an assumption, the ruling power supersedes the free exercise of understanding and judgement in the individual; compels his will to act contrary to its original bias; and suppresses the dictates of conscience by the indefinite dogma, 'That magisterial authority 'is a power derived from God, and, con-'sequently, never to be resisted.' But, surely, none will venture the assertion, that rulers are to interpret Scripture according to their own views or convenience, and annex penalties to the rejection of these views of its import; and yet, that, ultimately, the responsibility must devolve

devolve upon the individual, although he was decreed incompetent to decide for himself. And, if it be admitted, that those, who prescribe a creed, or define the forms of worship for their fellow creatures, must stand in the gap between their subjects and God, to answer for the consequences arising out of those precepts, to which they exacted obedience; how small is the number of rulers, who shall enter the kingdom of heaven!

The ruler then takes his subjects' place at the tribunal of heaven.

In almost every age, some important alteration has taken place in national forms of religion: and, often, the lapse of a few years has seen systems, diametrically opposite, alternately rise and fall; while, under each decision of the government, penalties have been annexed to nonconformity. Now, as all could not be right, doubtless those who were in an error, as they inflicted punishment upon

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upon dissentients from their creed, must themselves be the subjects of punishment, under the sentence of unerring Justice. Truly awful, then, is the case of those, who, in any age, have assumed the regency of conscience; whether it be Nebuchadnezzar, who commanded to worship his god of gold; or Nero, who required adoration to the pagan deities; the Popes, who arrogated divine honours to themselves; or Henry the VIIIth, Elizabeth, and the Stuarts, who enjoined conformity to the English Episcopal Church: they all tacitly constituted themselves responsible to God for the nature and consequences of the creed professed by their subjects, through ordaining what that creed should be; and thus rendered themselves intermediate between their subjects and God.

Situation of rulers in this view truly awful.

It would be wise in princes, or legisla-

tive

They ought then to shrink from the assumption of such authority.

tive assemblies, to pause, and inquire into the extent of that responsibility, which they voluntarily incur, before they venture to make the awful experiment. He, who well knew the value of the human soul, because He had both created and redeemed it, testifies, that a man is not profited by the exchange, "if he gain the "whole world, and lose his own soul[1]." Hence, we have an illustration of David's observation: "They that trust in their "wealth, and boast themselves in the mul- "titude of their riches, none of them can, "by any means, redeem his brother, or "give to God a ransom for him; for the "redemption of the soul is precious[2]:" and, if the value of a human soul be incalculably great, who will dare to incur responsibility for him, whose redemption price he never can pay? If the guilt of one soul

(1) Mark viii. 36. (2) Psalm xlix. 6, 7, 8.

soul be too great for his fellow creature ever to atone for, what act of presumption can equal that, of prescribing a national creed, or national forms of worship? If the prescribed form of belief be not such as God approves, it will be found unavailing in the business of man's salvation: and, hence, those who demand assent to that form of belief, tacitly invoke, upon their own heads, the guilt of all from whom conformity is exacted. Now, if the iniquity of one soul be great beyond computation, what must be the amount in guilt of seven millions of souls, if they should all be taught, confirmed, and compelled to remain in an error, by the voice and the penalties of legislative authority?

The responsibility would be infinite.

But, to obtain a yet more accurate idea of that responsibility, which must attach to the governors, who assume the regency

regency of conscience, let us multiply the number of individuals in the nation, by all the generations in which these laws have operated; and, by this extended view of the subject, we shall be led clearly to apprehend the propriety of Isaiah's sublime anticipation of the tremendous overthrow of the Babylonian tyrant.

Let us contemplate the extent of Nebuchadnezzar's dominion, compute the number of persons over whom he reigned, reflect upon the guilt of idol worship, and then hear it proclaimed by the authority of that imperious monarch: "To you it is commanded, O people, and "nations, and languages, that, at what "time ye hear the sound of the cornet, "flute, harp, sackbut, psaltery, dulcimer, "and all kinds of musick, ye fall down "and worship the golden image that

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"Nebuchadnezzar, the king, hath set "up: And, whoso falleth not down and "worshippeth, shall, the same hour, be "cast into the midst of a burning, fiery "furnace[1]."

From inspecting the character of the proud and despotick father, let us turn to contemplate the conduct of his impious grandson, Belshazzar; and say, whether the circumstances of the case do not fairly warrant the language of the prophet, in reference to either? "Hell "from beneath is moved for thee, to "meet thee at thy coming: it stirreth up "the dead for thee, even all the chief ones "of the earth: it hath raised up from "their thrones all the kings of the na-"tions. All they shall speak, and say "unto thee, Art thou, also, become weak "as

(1) Daniel iii. 4, 5, 6.

" as we? art thou become like unto us?" ..... "How art thou fallen from heaven, " O Lucifer, son of the morning! how " art thou cut down to the ground, " which didst weaken the nations[2]!"

Truth and conscience are ungovernable by any methods of coercion.

With one observation more, we conclude the present essay. The natural influence of truth upon the mind, can never be counteracted by suffering; nor the operations of conscience be governed by any methods of coercion.

It would only make hypocrites.

Torture, or even penalties of an inferior description, may make men hypocrites; but never can make them sincere believers of our creed, nor compel them to relinquish their own. If a tyrannical prince were to demand my assent to the proposition, that the product of ten, multiplied by five, would be forty; my conviction,

(2) Isaiah xiv. 9, 10. 12. See Henry: also Vitringa in loc.

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conviction, that the true product will amount to fifty, must remain immutable within my own breast, whether I answered his requisition in the negative or the affirmative. Or, if the mathematician were required to believe, that two angles of a triangle are equal to two right angles, he might, through fear, assent to the proposition, but could never be induced, by any description of penalties, to suppose it demonstrable.

Illustrated by Galileo.

Galileo was imprisoned by Pope Urban VIII, for asserting the fact, that our earth travels round the sun; and, after suffering many hardships, during five years' imprisonment within the walls of the Inquisition, he recanted his profession of faith in the Copernican system, and accommodated his theory to the will of the pontiff[1]: but, doubtless, Galileo's conviction

(1) See Collier's Dictionary.

conviction of this grand astronomical truth remained invariable; nor would all the tortures of the Inquisition have effected any change in his opinion, to the latest period of life: and, is it not probable, that every kind of racks and tortures, with which the Inquisition was furnished, would have proved equally ineffectual, had it been a question upon the divinity of Christ, or the doctrine of transubstantiation?

By the Jews in Portugal.

The Jews have been severely persecuted in Portugal; yet vain has been this ill-judged attempt at their conversion: they reside and multiply in the country; many of them assume the name of Christians, while they sincerely hate both the Author and professors of the Christian faith; and, in their expiring moments, receive the seal of circumcision[2].

As

(2) See Note I.

As a final proof of the proposition, that the influence of truth and the dictates of conscience are totally ungovernable by any methods of coercion, let us observe the nature of the commission given by Christ to the Apostles, and mark its effects in the world: "Go ye "into all the world, and preach the "Gospel to every creature[1]," saith our Lord. They were a company of unlearned men; without property, influence, or arms; few in number; and generally execrated: their enemies were potent, numerous, rich, and learned: yet, as their cause was that of Truth, they eventually prevailed. Upon the highest calculation of their numbers, they were about five hundred persons, matched against the whole world. The wit assailed them

By the spread of the Gospel in the first age of the Church.

(1) Mark xvi. 15.

them with ridicule; the man of learning laboured to refute their doctrine by his logick; princes strove to extirpate them by the sword; but, under every species of persecution, "the word of God grew "and multiplied[2]." The truths which they were engaged to promulgate, were addressed to the understanding: through the medium of this faculty the opinion of the judgement was formed: upon the decisions of judgement, conscience acted: the will was brought to acquiesce, and all the affections were interested by the subject: hence, every attempt to counteract the progress of Christianity proved abortive; Herod drew the sword in vain; Nero, Domitian, Nerva, Trajan, Adrian, Marcus Aurelius, with all their competitors in acts of hostility against the religion

Also in succeeding ages.

(2) Acts xii. 24.

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religion of the cross, "laboured in vain, "and spent their strength for nought:" they menaced the professors of the Christian faith; they slew them by thousands and tens of thousands; but truth continued to win its way in the world; it was speedily diffused through the Roman and Persian empires; in Asia, numerous churches were planted; Africa heard its joyful tidings; and in every place, where the standard of Messiah was erected, many of the heathen enlisted into his service. After numerous attempts had been made, by the confederated powers of earth and hell, to ruin the cause of Christ, it became proverbial, that 'The blood of the martyrs 'proved as the seed of the Church.' Happy had it been for mankind in general, if rulers had followed the discreet advice of Gamaliel to the Jewish Sanhedrim!

hedrim! "Refrain from these men, and "let them alone; for, if this counsel or "this work be of men, it will come to "nought; but, if it be of God, ye cannot "overthrow it; lest, haply, ye be found "even to fight against God[1]."

(1) Acts v. 38, 39.

Essay II.

ON SPECIFICK LIMITATIONS TO THE EXTENT OF AN ENLIGHTENED RELIGIOUS TOLERATION.

"The free and happy civil constitution of this country knows no heretick but a disturber of the peace."

Robinson's Ecclesiastical Researches.

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From the arguments already adduced in the preceding essay, we learn, that sentiment, while it remains in the breast of the individual, is not a proper subject of the magistrate's investigation; consequently, all laws which sanction the application of torture to obtain a confession of our creed, and those which enact penalties

penalties against the party from whom confession is extorted, are gross innovations upon the first principles of our nature, and subversive of those fundamental articles of reciprocal advantage, that form the basis of our coalition. But when principles are voluntarily professed, it becomes the province of government to inquire, how far they are compatible with the political welfare of the community, and to mark the precise point at which they begin to militate against the general good.

Exceptions should be taken:

Under this view of the subject, I am led to state three descriptions of religious sentiments, which furnish, I conceive, just ground to except against a universal and unlimited toleration.

First: against those who extenuate vice.

We may here assume it as a principle needing no proof, that every man should be liable to a criminal prosecution, who publickly

ESSAY II. publickly endeavours to extenuate the turpitude of those acts, which militate against the peace and concord of society, or pervert the ends of its formation. The crimes of suicide, murder, adultery, theft, perjury, and profane swearing[1], are publick evils, and most of them essentially beyond the aggressor's ability to atone for, and equally above the nature of a compromise. Consequently, should any man publish to the world a system of Theology, so lax, as to sanction vice under any of these modifications, it would become the duty of the magistrate to apply a coercive remedy for the suppression of sentiments, so hostile to the tranquillity of the state, so inimical to domestick happiness, and so directly tending to universal anarchy.

Those

(1) See Note II.

Secondly: against those who excite rebellion.

Those persons also should be excluded from the benefit of a free toleration, the publication of whose religious principles tends to excite a spirit of resistance against the ruling powers.

History records the wild enthusiasm of various religious sects, whose principles and transactions justly incurred the severe reprehension of the civil power: and were similar cases to occur in our own day, every loyal subject would readily assent to the exertion of force for their suppression. Nor could any man, who has the peace and welfare of the community in view, for a moment maintain, that those who inculcate, as well as those who practise resistance against the state, should not be liable to suitable punishment.

Right to resist oppression not denied.

What I have here stated, must not, however, be construed into a denial of the right,

ESSAY II. right, on the part of the people, to resist tyrannical rulers, and liberate themselves from the oppressive bonds of unjust governments: for it is only on this ground that we can justify the spirited conduct of our forefathers, in their struggles against the oppression of the House of Stuart, and in their advancement of the illustrious House of Hanover to the British throne. Such a right, however, on the part of the people, is totally distinct from their religious sentiments, and should never sanction the propagation of seditious views, under the garb of religion. Though I maintain the right of the people to resist, yet that resistance can be justified only by the peculiar emergency of the case. It can never be a principle of any government, that resistance to that government is just and lawful: it cannot therefore be admitted, that

that those religious sentiments, which permit and inculcate resistance, are to be tolerated: hence we must concede, that this right of resistance on the part of the people should form no article of religious toleration, and that the magistrate should be possessed of a power to suppress those sentiments, which, under the semblance of piety, diffuse sedition.

Sentiments capable of perversion distinguished from those necessarily seditious.

But here it is necessary to draw a line of distinction, between those sentiments which are simply *capable* of being prostituted to seditious purposes, and those which involve that consequence as a legitimate and necessary result. Those persons who profess sentiments of the former description may be observed by government with an eye of jealousy; but it would be manifestly unjust to lay them under penal laws, as the chastisement must be inflicted upon the bare supposition,

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position, that their sentiments are capable of being perverted to encourage a spirit of resistance against the powers of legislation: but those of the latter class should be suppressed by penalties, as the only effectual method of preventing those calamities, which would inevitably result to society in consequence of their promulgation. To illustrate this distinction, I may refer to two sects, delineated in Ecclesiastical History.

The creed of the Quakers capable of perversion.

The Quakers believe the Scriptures to be of divine authority, and given by the inspiration of God, through holy men: "Nevertheless," says Penn, "because "they are only a declaration of the foun- "tain, and not the fountain itself, they "are not to be esteemed the principal "ground of all truth and knowledge, nor "the primary rule of faith and manners: "yet, because they are a true and faithful

"testimony

"testimony of the first foundation, they "are and may be esteemed a secondary "rule, subordinate to the Spirit, from "whom they have all their excellence "and certainty[1]." It may be questioned, whether, as the necessary consequence of this principle, the Quakers be not left destitute of any definite, perfect, and immutable rule of conduct; and, therefore, whether he, who to-day only refuses tithes to the vicar, may not to-morrow resist the claims of his sovereign?

Another prominent feature of this society is, their implicit confidence in those emotions, which they conceive to result from the supernatural agency of the Holy Ghost.[2] Here, again, the most mischievous effects might, possibly, arise out

(1) See Note III.

(2) See Note IV.

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out of a sentiment so intimately allied to enthusiasm. It would be impious to dispute, that the promise of Christ has insured to his people a continued experience of the Spirit's agency: but He, who said, "I will pray the Father, and he "shall give you another comforter, that "he may abide with you for ever;" and, "When he, the Spirit of truth, is come, "he will guide you into all truth;" also said, "Search the Scriptures; for in them "ye think ye have eternal life, and they "are they that testify of me." Now, admitting the doctrine of divine agency on the mind of man, but rejecting that of the infallibility of the Scriptures, and their paramount claim upon our obedience, we open wide those flood gates, which may speedily inundate the nation, and perhaps the world, with every species of enthusiasm. If the Scriptures be not

the

the prescribed rule of our conduct, every delusion, which a warm imagination may suggest, is liable to be mistaken for immediate inspiration; and, if directed into a political channel, would portend the subversion of all peace, order, and rectitude, in the several departments of society. Yet, as principles may be variously construed, and as the principles of the Quakers do not bear directly to such consequences, it would be an act of high injustice in the legislature to anticipate these consequences as a necessary result, or to suppress the proselyting efforts of Quakers, under the pretext of the bare possibility, that their political sentiments may one day assume a new aspect, in perfect coincidence with the same radical principles that are, at present, the basis of their faith.

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But we turn from sects of this description, whose religious tenets are simply liable to political abuse, to those, who avow sentiments breathing a spirit of opposition to the existing government. For an appropriate illustration under this particular, I may refer to the doctrines and proceedings of the *Fifth Monarchy Men.*

The creed of the Fifth Monarchy Men necessarily rebellious.

This sect arose speedily after the death of King Charles the First; and, during the reigns of the Protector and of Charles the Second, carried on with enthusiastick devotion their abominable machinations against the state. They expected the immediate appearance of Christ upon the earth, to establish a universal monarchy: they regarded all Princes as usurpers: they conceived themselves to be called by God to reform the world: they pretended, that, as instruments, they were to subjugate all earthly

earthly powers to the dominion of King Jesus: and that their sword must never be sheathed, till the object of their commission was completed, and the carnal powers of the world were become a hissing and a curse among men.

Their atrocious conduct.

Under the influence of this infatuation, which aimed at the subversion of all human government, they concerted the destruction of the Protector: this was to have been effected by exploding a quantity of gunpowder under the chapel at Whitehall. They afterwards plotted the destruction of his son Richard: and in sixteen hundred and sixty one, speedily after the restoration of King Charles the Second, they raised a serious insurrection in the heart of London. On Lord's day, the sixth of January, they marched out of their Meeting House in Coleman Street, vociferating, "*No "King but Christ!*" who would, as they presumed,

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presumed, immediately come down and head them. Many persons were slain by them in the publick streets at noon-day; and when Sir Richard Brown, the lord mayor, led against them some files of the trained bands, they maintained the contest with indescribable fury. Bishop Kennett observes, "They fought with a courage "more brutish and devilish than was "ever seen in men; and, if their numbers "had been equal to their spirits, they "would have overturned the city, the "nation, and the world[1]." These men, under the influence of an over-heated imagination, vainly projected the establishment of a universal monarchy in the person of Him, who declared, "My "kingdom is not of this world:" and, as a consequence of their temerity, their lives

(1) See Kennett's Chronicle.

lives were offered up a sacrifice to publick justice[2].

Duty of the magistrate to extirpate such sentiments.

Were sentiments of this description to be promulgated in the present day, it would be wise in the legislature to imprison those who taught such principles, or take sufficient securities for their desisting from the practice; and, also, to annex severe penalties to the propagation of all doctrines, so grossly subversive of the peace of society, and the authority of the civil magistrate. In this case, it would be impolitick to await the consequences of tolerating such enthusiasts, and to punish only for the breach of the peace: for, as such sentiments inevitably tend to level all ranks in society, it is requisite that the principle should be suppressed, before society actually realizes its levelling horrors: as

(2) See Note V.

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as it aims to destroy the authority of rulers, it immediately becomes the province of rulers to guard against its consequences, and, if possible, to annihilate the principle: as it maintains that the will of every individual is the sole criterion of all his actions, it becomes politick for the majority of individuals in the community, or, in other words, the voice of the legislature, to prevent the portentous consequences, by forbidding the promulgation of the sentiment, rather than exclusively to punish for the calamitous effect.

Thirdly: exceptions against those who give no security.

Further: an enlightened toleration must except against all persons, whose sentiments, upon religious topics, withdraw from the community those sacred pledges which constitute the bonds of the social compact.

Of this description is the Atheist, who denies

denies the existence of a God; the Deist, who can form no definite idea of the divine moral character; and the Roman Catholick, who maintains, that, after oaths have been taken with all possible solemnity, the dispensing power of the Pope can nullify their obligations.

Nature of an oath.

In our courts of judicature, evidence is received upon the oath of the witness; which presupposes that an oath is sacred with his conscience. Upon this principle, none of the persons, just enumerated, should be admitted to give evidence in a court of justice; for, in the mind of each of these characters, the sacred nature of an oath, and its binding qualities, are destroyed by the fundamental principles of his creed; and thus, as a tie upon conscience, his oath is rendered nugatory. An oath is a solemn appeal to the Deity, as a witness of our veracity in some fact asserted;

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asserted; or, of our sincere determination to fulfil a promise made; and, at least, tacitly imprecates his vengeance in case of falsehood [1].

The Atheist.

But, by whom can the Atheist swear? He denies the existence of a God; and, hence, he evades the influence of conscience. Now, if there be not a supreme arbiter of human affairs, to whose omniscience we can refer, as knowing all our transactions; to whose inflexible justice we may appeal, to reward or punish, according to our integrity or falsehood; and in whose omnipotent power we may confide, for the execution of the decree that his justice shall issue; an oath is an unmeaning farce, and possesses no binding qualities [2]. Upon the man, who professes sentiments so

(1) See Note VI. (2) See Note VII.

so subversive of morality, we have no tie, but the fear of human vengeance; and, if that can be eluded, he will feel at liberty to perpetrate any crime that may appear convenient, for the promotion of self-interest. Present advantage remains his only stimulus in every action of life; consequently, he may be a knave, a sycophant, a hypocrite, or a murderer; yet, all in character[3].

The Deist.

Again: the Deist should not be admitted to give evidence; for, by what sacred power can he swear? He denies the authenticity of the Scriptures; consequently, his oath by the New Testament is no more binding than if it were sworn by the Iliad of Homer. If he swear by the God who made all things, his indefinite notions of the Divine perfections destroy the

(3) Vide Puffendorf, lib. III. cap. iv. sect. 4.

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the solemnity of the act. The goodness of God is rendered paramount to every other perfection; it annihilates his vindicative justice; it constitutes Mercy little less than the patron of vice; it presents a general licence to sin; and doubtless, among others, for the sin of perjury.

These remarks are grounded upon the presumption, that he believes in the doctrines of man's immortality, and of a superintending Providence; but, if these be rejected, his licence to sin becomes yet more extensive. As no crimes are punished after death; as no virtues are rewarded in another world; as there is not a superintending Providence, to afford examples of judicial wrath in this life; the advocates of Deism are reduced to nearly the same broad level of licentiousness, as the avowed Atheist. Who then would

would receive the oaths of such men, in testimony against their fellow subjects? Perfidy might be cherished, without enduring the stings of conscience: bribes may be taken, without compunction: perjury may be committed, without the pain of remorse. If the Being by whom we swear be acknowledged a nonentity, our oath is rendered void; or if, by an absurd conception of the nature of his attributes, we destroy the idea of being subjected to punishment for our crimes, we may continue with impunity in the practice of atrocious wickedness; and society can have no other security for our observance of the general principles upon which we are confederated, than that which arises out of the penalties annexed to delinquency[1].

I pro-

(1) See Note VIII.

I proceed next to prove, that the oath of a Roman Catholick also ought to be rejected.

He believes, that the priest, or at most the Pope, is amply qualified to absolve him from all his sins[1]; and, hence, if he can escape punishment from the existing laws of his country, he may practise iniquity in its grossest forms, his conscience may be cleansed from guilt by an act of absolution, and his soul be delivered from perdition by a small gratuity to the holy father. Here, then, an inducement is offered to the mind, to perpetrate many sinful actions, as interest or inclination may dictate. Perjury may be committed at any convenient opportunity, without horror of its nature, or anxiety for its consequences; since all the guilt thus

(1) See Note IX.

thus incurred may be expiated, at no great expense.

As the fundamental principles, upon which an oath is considered inviolably sacred, are destroyed by the tenets of the Atheist, the Deist, and the Roman Catholick, it would be grossly absurd to receive the oath of either, in confirmation of any fact under judicial investigation.

The Mohammedan and the Jew can give a pledge.

But, while I protest against tolerating the characters already specified, I would receive the evidence of a Mohammedan, either in a civil or a criminal case; because, if he swear by the Korân, his oath will be sacred, and his testimony that of inviolable truth[2]. Upon the same principle, I would receive the oath of a Jew; for, if it be sworn by the Jewish scriptures, it is permanently binding; and no power

(2) See Note X.

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power on earth can absolve him from its obligations.

Atheists and Deists not to be prevented from propagating their sentiments.

A question of magnitude here presents itself for solution. Should Atheists and Deists be allowed publickly to inculcate their sentiments? We presume that their sentiments are intrinsically evil; yet, as they do not directly tend to the subversion of civil authority, it would be an unprovoked act of injustice in the civil power to resort to coercion, while these men appeal only to reason. Let them publickly teach their sentiments; let them advocate the cause of infidelity: we tremble not for the event. The sophistry of infidels can never sap the foundation of the temple of Truth, nor their hostile attacks shake the superstructure.

It may be argued, that if these tenets be an evil of such magnitude, as to constitute a sufficient reason for rejecting the

the evidence of men by whom they are professed, the entire suppression of them would be a publick benefit. But, in answer to this, it may be urged, that, in rejecting their testimony, we have expressed our opinion of the evil nature of their principles with sufficient decision, and carried the act of suppression as far as the nature of the case will fairly warrant. We have secured ourselves from any pernicious consequences, which might arise out of the articles of their creed; and in that act terminates the authority of society over the individual.

Roman Catholicks should not teach publickly, except under limitations.

But while the liberty of publickly asserting and defending their religious principles is granted both to Atheists and Deists, it cannot safely be extended to Roman Catholicks, without specifick limitations.

Because he holds the doctrine of absolution:

We have already noticed the doctrine of absolution, as one of the leading tenets

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of the Catholicks. Our former view of the doctrine was in relation to perjury; but, in the present connexion, it will appear yet more pernicious, as embracing all descriptions of guilt, and affording a general sanction to the breach of both Divine and human laws: consequently, so long as either the inferior or dignified orders of the Papal hierarchy pretend to exercise the power of absolution, it will continue essential to the peace of a Protestant state, to forbid the publick inculcation of their principles.

And, that no faith should be kept with hereticks.

Another prominent feature of the Romish religion is, the doctrine, that "No faith should be kept with hereticks." The language of the Council of Constance runs thus: "Nec aliqua sibi fides aut "promissio de jure naturali, divino et hu- "mano fuerit in præjudicium Catholicæ "Fidei observanda." Hence we infer, that

that no Protestant government can have any security for the obedience of those subjects, who are members of the Papal Church. It is a fundamental article of their creed: it has been sanctioned by their most celebrated Councils[1]: it has been acted upon, whenever interest concurred with opportunity to render it political[2]: it has been avowed, through many ages, as a grand article of their faith. Hence, in the opinion of a Papist, it must be considered entirely to disannul the obligation of word or oath, when the contracting parties are Protestant on the one side, and Roman Catholick on the other.

Also, that the end sanctifies the means.

But further: in coincidence with the two particulars already named, there is a third leading tenet of their faith, which is equally

(1) See Note XI. (2) See Note XII.

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equally subversive of all good order in society.

The Papist maintains, that the end sanctifies the means; and, particularly, when the good of the church is the avowed end to be answered; even though the means be of the most base and atrocious nature. This sentiment would accommodate itself to sanction the most foul depredations upon the property, or criminal attempts upon the lives, of individuals; or to applaud the subversion of a Protestant government, if another might be erected upon its ruins, which would render implicit obedience to his infallible Holiness, the Bishop of Rome.

Baneful effects arising from auricular confession:

Romanists are also dangerous to a Protestant state, in consequence of that unbounded influence which their priests obtain over the consciences of the laity. Through the medium of auricular confession,

fession, Popish priests acquire a specifick knowledge of the predominant inclination of their confessing penitents; and, in granting absolution, they possess an opportunity of imparting a powerful bias to the minds of those persons, who confide in them as their spiritual guides. Every member of the Romish communion is required to practise auricular confession, and, in that act, to disclose both the sins which afflict his conscience, and the principles which govern his conduct. By this developement of the designs which are forming in the breasts of all within their community, the confessors are entrusted with every secret of magnitude and importance; and, hence, they possess the means of directing the prejudices of their devotees, to the furtherance of their own ambitious or malignant designs.

It

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Also, from granting indulgence and absolution.

It must be obvious to every impartial observer, that, while priests of the Romish communion obtain the entire confidence of their laity, and are entrusted by them with the most delicate and important secrets, they must acquire an almost unlimited degree of influence over the consciences of those, who profess the Catholick faith. The grants both of indulgence and absolution are calculated to cherish veneration for the person of the priest, as a man of peculiar sanctity, and to induce a ready compliance with every thing that he enjoins.

The exorbitant influence of the priests.

This priestly influence over conscience is eminently dangerous to a Protestant state, both from the facility which it presents for the dissemination of seditious projects without opposition, and the secrecy which it imposes upon all who are received into a conspiracy.

Of

Of the pernicious tendency of this influence, our ancestors had numerous and memorable proofs, in the various plots which were concerted against the state, during the reigns of James the First, Charles the Second, and William the Third. Although the projects of the various conspirators tended to the entire subversion of the government, and many Papists were in possession of the secret, yet the influence of the priests over the consciences of these Papists was so absolute, that the plots were not disclosed by the treachery of the parties who formed the collusion, but were generally developed by some adventitious circumstance, which seemed to occur by the particular interposition of Providence.

Illustrated in the History of England:

The successive rebellions and massacres in Ireland, during two centuries, are equally

In the History of Ireland.

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equally convincing proofs of the absolute influence of Romish priests over the consciences and actions of the laity. In some of those fatal conspiracies, many hundred persons were entrusted with the secret designs of the party, yet those designs remained concealed; and the Papists, to render the accomplishment of their sanguinary purposes more certain, frequently visited the Protestants at their own houses, and continued to express the greatest possible friendship towards them, till the arrival of an appointed day, when they were to be massacred, without regard to age, sex, rank, or relative connexion.

Also in the History of France.

If we recur to the conduct of the French Catholicks, prior to the fatal eve of Saint Bartholomew, we shall discover that Popery will sanction every kind of duplicity, to promote the designs of the church

church in the extirpation of hereticks; and is capable of imposing the most profound secrecy upon many thousands of persons, engaged in the execution of its diabolical machinations. The history of the Parisian massacre is generally known; and it is only necessary here to observe, that at a period when all ranks of Protestants, from their princes to the peasantry, considered hostilities at an end, and were engaged in celebrating the nuptials of a Protestant prince with a Catholick princess, they were surprised at midnight by the tolling of a bell in the Louvre, which, it appeared, was the signal for their immediate slaughter, and for the extirpation of the Protestant faith throughout the French King's dominions. Although the nature of this sanguinary project, and even the day for its perpetration, with the particular signal for the commence-

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commencement of its execution, were generally known among the Papists, they retained the secret inviolable within their own breasts, and even assumed every possible appearance of amity, to acquire the confidence of the Protestants[1].

Thus we are furnished by history with the most indubitable proofs, that the influence, which Romish priests have the means of exercising over the minds of all within the pale of their communion, may prove highly injurious, and even destructive to a Protestant state, if the publick inculcation of Roman-Catholick tenets be not restrained by specifick limitations.

Popery produces a sanguinary spirit.

It is also no inconsiderable objection to the free toleration of the Romanists, that

(1) See Note XIII.

that the constitutional bigotry of their faith necessarily tends to render its professors both sanguinary and obdurate. While they are taught to regard all, who are not within the pale of the Papal communion, as inevitably doomed to everlasting misery, their hearts must become callous to the tender sympathies of nature. As the extirpation of hereticks is inculcated with enthusiastick zeal, both by the menacing bulls of the Popes, and the grave decrees of general Councils[2], it is impossible for those, who are governed by these acknowledged criteria of their faith, to esteem a heretical neighbour as a good member of the community, or worthy of the common regards of a fellow citizen. Popery enjoins fathers to disinherit their heretical children, and professes to

Destroys natural affection.

(2) See the Fourth Lateran Council, and the Council of Constance.

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to absolve children from the duties they owe to the authors of their being. It nullifies every relative obligation in the breasts of those who are allied to the supposed heretick, and pronounces every act of hostility against him highly meritorious. Hence we are furnished with a clew to the origin of that uniform spirit of persecution, which has marked in lines of blood the baneful progress of Popery, from its first assumption of secular power, till the recent and memorable crisis when that power was annihilated.

Testimony of Dr. Geddes.

Dr. Geddes, in his valuable miscellaneous tracts[1], after describing the horrors of an *Act of Faith* in the city of Lisbon, testifies, that "it is beheld, by people of "both sexes, and all ages, with such "transports of joy and satisfaction, as "are

(1) Vol. I. page 450.

"are not on any other occasion to be "met with:"—but, "that the reader may "not think that this inhuman joy is the "effect of a natural cruelty in these "people's disposition, and not of the "spirit of their religion, he may rest "assured, that all publick malefactors, "besides hereticks, have their violent "deaths no where more tenderly lament-"ed than amongst the same people, and "even when there is nothing in the "manner of their deaths that appears "inhuman or cruel."

In a word, whether we recur to the decrees of general Councils, to the bulls of the Popes, to the oaths imposed on Roman-Catholick sovereigns, to the conduct of the Inquisitions, to the manner of celebrating their *Acts of Faith*, or to the uniform conduct of Catholick states towards all whom they denominate hereticks,

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hereticks, we shall discover, in the hearts of Romanists, such a degree of sanguinary pleasure in the infliction of tortures upon *the excommunicated*, as could not exist, in any civilized nation, if it were not the result of principle.

This statement of objections to the full toleration or emancipation of the Catholicks, embraces two principal sources of argument, the validity of which I must maintain, in opposition to the many eloquent appeals that have been made to the British publick, by the advocates of the Papal cause. First, the general spirit of Popery is hostile to the existence of a Protestant state: and, secondly, the sentiments and doctrines of the Catholick faith are such, as must for ever preclude the union of Protestants and Papists in the same community.

Pleas of modern Catholicks.

It may be objected, that the Catholicks

licks of the present day, though they admit that such were the sentiments and the spirit of their predecessors, do not hold such sentiments, nor breathe such a spirit. But, I reply, the legislature of our country can recognize only the official documents of the Catholick faith, and can regulate their opinion of its spirit and tendency only by the effects it has produced in preceding ages. No regular nor authorized recantation of the sentiments I have attributed to them has ever taken place; nor do the Catholicks of the present day pretend to nullify the decisions of former Councils, or disapprove of the spirit those Councils manifested. On the contrary, the opposition of the Catholicks to all other Christian associations, their union to the See of Rome, and their veneration for the ecclesiastical authority of the Pope, continue

These not to be admitted.

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continue unaltered. These are not bare assertions. If we are to depend upon the highest authorities among them, we have very little reason to hope that the present generation of Catholicks would keep their faith with hereticks better than their forefathers. The affair of the Veto, the meeting of the fourteenth of September eighteen hundred and eight[1], and Dr. Milner's subsequent declaration, do not encourage the most sanguine expectations on this head.

The obnoxious doctrines in full force.

Further: the decisions of their Councils against hereticks continue in full force. "We excommunicate," says the bull recited in the Passion Week, "and curse, "all Hussites, Lutherans, Zwinglians, "Calvinists, Hugonots, and hereticks, "and whosoever shall receive, defend, or "favour

(1) See Irish Mag. Sept. 1809.

"favour them." The authority of the Lateran Councils, the Councils of Constance, and of Trent, so far from being denied, is still fully asserted. A recent advocate of their cause expresses himself thus: "If any one says, or pretends to "insinuate, that the modern Roman "Catholicks, who are the objects of the "late bounty of Parliament, differ, in one "iota, from their predecessors, he is "either deceived himself, or he wishes to "deceive others. '*Semper eadem*' is no "less emphatically descriptive of our re-"ligion, than of our jurisprudence[2]."

The Council held in the year twelve hundred and fifteen, which declares the power of the Pope to depose kings, absolve subjects from their allegiance, and give away their kingdoms, is acknowledged by the

(2) See "*The Case stated*," by Mr. Plowden.

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the highest Roman-Catholick authorities. It is hence easy to infer, what must be the nature of that coalition, which could subsist between Protestants and Papists, and of what fragile materials the bond of their union must be composed.

The spirit of the system unchanged.

The spirit I have attributed to Papal Catholicism, is still the spirit, at least in a great measure, of the bulk of Romanists. We have not, in the history of our sister kingdom, seen any reason to conclude, that the intolerance of former generations is, in any considerable degree, softened or abated. What the Protestants have suffered from the Catholicks, in the successive rebellions and massacres in Ireland, would exceed belief, were it not established upon the most incontestable evidence. The disposition to extirpate hereticks, and destroy every other form of religion, pervades the whole system of Popery,

Popery, and never fails to display itself, whenever a suitable opportunity occurs[1].

The secular power of the Pope disowned, but his spiritual still maintained.

It is true, indeed, that the Roman Catholicks now profess to disown the secular authority of his Holiness, the Bishop of Rome, and therefore pretend, that they are capable of yielding full submission to the authority of a Protestant sovereign. But this cannot be admitted as a valid plea for their entire emancipation, since that power has been acknowledged and submitted to in every age since it was first assumed; and we have no pledge that it will not be again arrogated to their spiritual head, whenever it may be done with effect. The spiritual power of the pontiff is still acknowledged in its full extent, and his right

(1) See Sir R. Musgrave's History of the Rebellion, *passim*.

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right in the nomination of the dignitaries of their church is still zealously maintained: the decrees of their general Councils, though on some occasions disputed and disowned, have been resorted to whenever opportunity seemed to suggest the expediency of the measure: and, hence, it is easy to conclude by what species of allegiance such subjects would be bound to a Protestant government.

The concessions of Catholicks may, or may not, be sincere.

If the statement I have given of the doctrines of the Catholicks be correct, it must be manifest, that, from the laxity of these doctrines, and the unaltered spirit of their professors, we have no security that will bind the great bulk of the Catholicks. On the other hand, present concessions may be suggested, by the anxiety of their leaders, to carry a favourite project, with the concealed design to revoke all their concessions, whenever the balance

balance of power may preponderate on their side.

Upon what ground their concessions can be admitted.

Were the Catholicks even willing to make much greater concessions than they have hitherto made, these concessions could not be received, by a Protestant state, as valid, unless sanctioned by an authority as high, in the estimation of Romanists, as that which first established the principles against which we except. These principles were originally established by general Councils; and, as the present political state of Europe does not allow the convention of such a Council, to reconsider or to correct the articles of their faith, Catholicks should be content to wait a more favourable opportunity. For, if the decisions of former Councils be not superseded or rescinded, and the Catholicks absolved from their obedience, by as high an authority as that which established

established these articles of faith, they might, at any suitable period, recur to the old trick of the *Dominium altum*.

Two principiples only upon which they can be emancipated.

Upon the whole, then, if tranquillity were restored to Europe, there would remain two, and only two means for effecting the complete emancipation of the English and Irish Catholicks. First, by convening a general Council of the highest authorities of their universal church, to cancel those decrees of former Councils, which are found to be inimical to the peace and prosperity of Protestant communities: or, Secondly, if the convention of such an assembly be found impracticable, or if the object for which it should be convened cannot be effected, it then remains for the Catholicks of this kingdom to separate themselves altogether from the spiritual dominion of the foreign authorities of their church, and, by

by one general act of secession, to absolve themselves from all obligation to those obnoxious doctrines, which, as long as they are professed, ought to exclude every Catholick from the full enjoyment of the privileges of British subjects.

As these are some of the distinguishing traits of the Roman-Catholick faith, they present insurmountable objections against permitting individuals of that community, unreservedly, to disseminate their principles.

As a decided enemy to persecution, and every species of intolerance, I should feel happy to see a Protestant Dissenter, a Roman Catholick, a Mohammedan, and a Jew, alike permitted the free exercise of their religion, and tolerated to propagate their sentiments according to the dictates of conscience; leaving it with God, alone, to defend and to prosper the cause

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cause of Truth, wherever it may be found. But, when religious sentiments have a political bearing, and those very sentiments have been repeatedly converted into an engine for the subversion of civil government, it becomes essential to the well-being of the state, to erect a strong barrier against the future efforts of those who profess sentiments so inimical to the very being of a Protestant state. If Roman Catholicks do not esteem their oaths sacred; if they can obtain absolution for any sin; if they keep no faith with hereticks; if the good of their church will sanctify the most foul means of advancing its interests; it immediately becomes a necessary part of the policy of a Protestant government to forbid the promulgation of their religion, except under certain limitations. If the existence of Popish chapels be permitted, and priests

Under what limitations the Catholick should teach.

priests be allowed to officiate, it should be, by the licence of the Civil magistrate, under a covenant, that none of these exceptionable doctrines should be taught; or, if the doctrine of absolution be inculcated, that no absolution shall be granted for any crimes inimical to the state. The persons thus allowed, by licence, to teach the precepts of their faith, and perform the ceremonies of the Romish church, should be banished the realm for ever, if they presumed to teach those principles, upon which they had covenanted to be silent. Again: a Papist schoolmaster should be licensed under the same restrictions with the officiating priest; but with the annexed condition, that no child of Protestant parents should be received into his school.

These limitations to toleration may appear harsh and unjustifiable, when viewed

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in relation to religious principle alone; since conscience is accountable to none, but Jehovah himself. But, surely, it is not intolerance, to suppress those principles, which inevitably tend to destroy the well-being of the community! When religion is prostituted to political purposes; when the essential articles of any man's creed, involve in destruction the dearest interests of his fellow subjects, and sap those foundations upon which the edifice of civil government is built; it becomes the province of rulers, to counteract, or suppress, by coercive means, the effect of principles so hostile to the state.

Essay III.

ON ELIGIBILITY TO OFFICES OF PUBLICK TRUST.

"When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn."

Solomon.

Essay III. Definition.

By offices of publick trust, I intend judicial and parliamentary offices, offices of state, military and naval commissions, parochial and borough offices. This general definition of offices of trust includes both those which are voluntary, and those which are involuntary. This distinction the laws have recognised; hence, those departments of official trust, which are hedged in, by exceptions against any

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any particular description of persons, should be, in their nature, purely voluntary; for, to attach a fine to the person who refuses to execute the duties of an office, and yet to exclude him from that office, by requisitions with which he cannot, in conscience, comply, is a direct invasion of the right of private judgement. In the present essay, therefore, I wish to be understood as speaking of those departments of trust which are purely voluntary.

Division of the subject.

In discussing this article, I purpose to consider, First, what circumstances constitute a subject ineligible for offices of trust; and, Secondly, the specifick parties admitted and rejected, with reasons for each decision.

What renders a man ineligible.

I. What are the circumstances which constitute a subject ineligible to offices of trust?

That

That even men of talent should not be admitted into offices of publick trust, indiscriminately, is a sentiment in which no man of prudence would refuse to concur. The prosperity of the whole community is intimately connected with the manner in which the duties of publick offices are discharged. It is, therefore, of high importance to all classes in society, that only such persons be admitted to fill up the departments of official trust, as are unexceptionable, under either of the following causes of incapacity.

Natural incapacity.
Alienation.

Natural incapacity.—The native of a foreign country is an alien in Britain, as long as he lives, except the legislature, from any consideration of his importance to the state, perform upon him the act of Naturalization[1]: consequently, he is incapable

(1) See Note XIV.

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incapable of enjoying many privileges, which are the birth-right of a natural subject: and, doubtless, this incapacity should extend to the character in question. A man, born and educated in a foreign country, may reasonably be expected to retain a strong predilection for the place of his nativity, for the laws under which he received his early impressions of the nature of civil society, for the particular habits in which he was educated, and for the government under which his first principles were formed. Surely, it would not be safe to introduce a man of this description into any office of trust, under a government which must necessarily view him as an alien. He could not act with decision against his own country and his sovereign: he could not, conscientiously, promote the welfare of the government under

Why a foreigner should be considered an alien.

under which he lived, if its interests appeared, in any degree, to clash with those of his native land: he would have many temptations, to receive bribes from his own government, and betray the secrets of that, under which he was serving: perhaps these motives would be strengthened by his relative connexions, and the facility with which he might convey clandestine intelligence; and all would appear to receive a general sanction from the claims of his natural Prince, who would still assert an indefeasible right over his person and services. All these circumstances concur, to render the man, in whom they centre, *naturally* incapable of filling any office of responsibility.

Criminal incapacity.

Criminal incapacity.—He, who has egregiously transgressed the laws of his country, and has incurred their penalties, is not worthy of the confidence either of his

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his sovereign or his fellow citizens. But this description of incapacity should be determined by the circumstance of having incurred, and being immediately under, the infliction of legal penalties: because, prior to sentence being given, every man is considered innocent in the eye of the law, which does not anticipate a verdict to the injury of the party impeached. Perhaps the distinction generally admitted, between the nature of *civil* and *criminal*[1] prosecutions, may sufficiently define what crimes should constitute a member of the community incapable of publick confidence. All those crimes, which are subject to the criminal jurisdiction of the magistrate, are marks of gross depravity in the individual by whom they are perpetrated; and, consequently,

Reasons for criminal incapacity.

(1) See Note XV.

sequently, ought to exclude him from situations of emolument, and particularly of trust, in the various departments already enumerated.

Persons who are released from the law not exceptionable.

A question may here arise, upon the expediency of admitting those to be eligible, who have once forfeited publick confidence, but have endured the penalties annexed to their crimes, or have experienced the Royal clemency. I conceive, that persons of both these descriptions should be admitted to a full participation of the rights of their fellow subjects. Far be it from me to plead the cause of vice, or intercede with the publick for the vicious of mankind; but, from the following considerations, the sentiment appears to be dictated by impartial justice. Those, who have endured the penalty of the law, have already rendered that satisfaction which society demanded;

To reject them would unjustly extend their punishment.

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and, to perpetuate their incapacity to fill any office of trust, after the prescribed legal penalty has expired, would be, to specify a limited punishment, and yet, ultimately, to abrogate the limitation, and render it permanent. Again: as one grand end of all coercion, which does not affect the life of the party, is, to correct his vicious disposition, and make him, in future, a good member of society, it would be absurd to perpetuate his incapacity; since that would presuppose that the express object of the law is uniformly defeated.

On the Royal clemency.

He, to whom the Royal clemency has been extended, should also be received as a reputable member of the community; for, to perpetuate his disgrace, would be an oblique reflection upon those laws which vest the dispensing power in the hands of the sovereign. It is committed

committed into the hands of the supreme magistrate, that, by his wisdom, he may supply those deficiencies which unavoidably exist in all general laws, and to meet all those cases, which the legislature intended as exceptions, but could not precisely anticipate[1]. Yet, while these remarks are designed to prove the equity of constituting such persons eligible, it will still remain in the breast of the people to elect, or the sovereign to nominate, to publick offices; and, perhaps, it would be an act of wisdom, in each party, generally to select those to whose characters no foul imputation has been affixed. But, upon this subject I forbear to enlarge, as the professed object of this work is, to point out the just principles upon which eligibility to offices of trust should depend, and the equitable

What end it should answer.

(1) See Note XVI.

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equitable boundaries to incapacity for such offices, so far as religious liberty is involved.

Sentimental incapacity.

Sentimental incapacity. — The immediate subject of inquiry now is, what religious principles constitute a sufficient ground of sentimental incapacity?

Those that are incompatible with the office.

First: those which are incompatible with the particular duties of the office in question.

It would be highly absurd to nominate an advocate for the *jus divinum*, and the doctrine of non-resistance, to the office of representative of the people in an English House of Commons; or a Quaker, as generalissimo of the military forces. It would be folly in the abstract, to appoint a Protestant, or a Jew, to the office of Grand Inquisitor in Portugal; or, to create a Mohammedan, Chief Justice in an English court of judicature. The principles of the men would clash with

with the necessary duties of the office, and immediately obstruct the course of publick business.

Those that are inimical to the state.

Secondly: those which are inimical to the principles of the constitution.

It is a fundamental article of the British constitution, that no Roman-Catholick prince shall ascend the throne[1]: and hence the law, with manifest propriety, further excludes all persons of that community from offices of trust in the state; as they could not, with consistency, acquiesce in this grand article; and as their principles also absolve them from allegiance to any but a Catholick sovereign. The nonjuror maintains the divine right of kings, with the doctrine of non-resistance; and, under the pretext that the House of Stuart was unjustly deposed, refuses to swear faith and

(1) See Note XVII.

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and obedience to the House of Hanover: thus he avows his hostility to the radical principles of English law, and erects against himself an insurmountable barrier, in the high road to honorary stations, and offices of national confidence. And, in all cases where the radical principles of the constitution, and the religious principles of a candidate for office, are at variance, as the constitution is permanent and absolute[1], the candidate for office must relinquish his pretensions.

Those that do not admit of security to the state.

Thirdly: those which, in their nature, do not admit of security for the conscientious discharge of official duties.

The community, or the sovereign, in appointing men to offices of trust, attach responsibility to the persons, who are thus invested with power, and hold them accountable to the laws for the use or abuse

(1) See Note XVIII.

abuse of the confidence reposed in their integrity; and, if responsibility be attached to persons who fill offices of trust, some security is necessary, as a pledge for their faithful discharge of every duty. Upon this principle, it is required of publick officers, when they are inducted, to take a prescribed oath, as a solemn pledge to the community, of their resolution to fulfil, with diligence and fidelity, the duties which devolve upon them. Consequently, those who profess sentiments that withdraw from society the required pledge of their faithfulness, ought not to be considered eligible.

Description of persons incapacitated.

II. I now proceed to shew the specifick parties who are rejected, and those who remain eligible, under the preliminaries expressed in the last head, upon sentimental disqualification.

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Some thoughts, which naturally occur under this head, have been partially anticipated, for the illustration of the preceding remarks; but, as they have not been sufficiently amplified, it will not appear tautological, to introduce them in their proper order, as the grounds of capacity and incapacity in the several characters to be enumerated.

Atheists and Deists.

The Atheist and the Deist are subject to precisely the same objections, when they appear as candidates for office, as when brought to give evidence in a court of judicature: their oaths are invalidated by the profaneness of their creed; and, were such persons admitted into offices of trust, in any of the departments specified in the early part of this essay, neither the monarch, nor the people, could have any security for the regular and conscientious discharge of their respective

spective duties. As their principles strike at the root of all morality, by withdrawing the grand sanction of future rewards; as they ultimately promote vice of every kind, by relieving conscience from the fear of everlasting punishment; they cannot offer any security to society against the presumptive consequences of those temptations, to which their particular offices might expose them. The judge might endeavour to bias the minds of the jurors in a cause where some opulent friend was implicated: the honourable member of the House of Commons might vote contrary to the decision of his own judgement, to gratify a party, or obtain personal advantage: the officer in some state department might embezzle the publick money, or prove delinquent under various other forms of trespass: and the military or naval commander, or even

Reasons for rejecting them.

Consequences of their principles.

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even inferior officer, might receive bribes from the enemy, to betray the confidence reposed in him, and ruin an army, the navy, or the nation, by his perfidy. Yet none of these transactions would be inconsistent with the principles of men, who reject the code of Divine laws, and remain destitute of any other criterion of action than their own will, or any other stimulus to act than a principle of self-interest.

The Jew.

A Jew should not be admitted into offices of trust, for three very conclusive reasons.

He is an alien.

First: his religious principles constitute him an alien.

Every Jew considers himself united, by the ties of consanguinity, to all who profess the Jewish faith over the whole globe; and thus their religious principles become an immutable bond of union among them, as a political body. They do

do not intermarry with the families of their fellow subjects; and, hence, as a nation, they are incapable of being incorporated with the natives and freemen of the country in which they reside. Circumcision appears to be the chief distinction between the Jew and his neighbour. By perpetuating this rite, they have known from age to age who were the descendants of their common father; and by refraining from marriage with Gentile nations, they have remained, to the present time, a distinct people in all parts of the world. A Jew is consequently a member of the Jewish nation, whether he was born in Britain, in China, or at the antipodes of either; and, as a member of that community, he must remain an alien in every nation under heaven.

Circumcision keeps them a distinct nation.

Secondly: as a necessary consequence of this general alienation among all people,

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people, the Jews have no permanent residence.

Not attached to any local situation.

They are a commercial nation; and, having neither manufacturing business nor landed property, to fix their residence on any local spot, they can transport themselves, with all their property, from one country to another, without any serious loss or inconvenience: this is yet more facilitated by their numerous connexions in most parts of the world: and it would be little less than exciting fraud, to nominate to offices of trust those who have eminent means of eluding publick justice, when they become delinquents. And,

Expects to remove into Judea.

Thirdly: the future restoration of their nation to the possession of Palestine is a leading article of the Jewish faith.

Probably that period will arrive; but it would be dangerous to give into their hands

hands any presumptive means of expediting its approach. This appears to be one grand end of their remaining a distinct people; and it does not appear improbable, that, if Jews were admitted into posts of eminence, their power, influence, wealth, and chicanery, might be directed to that object, with a degree of energy, no less injurious to the state, than inimical to the principles of the Christian faith. Now, as the Jew must absolutely remain an alien; as he might, with great facility, elude the pursuit of public justice; and, as his principles sanction the hope, that he shall one day remove into Palestine, and there become a member of a political state; he must be regarded as ineligible for offices of publick trust in a Christian country.

The Roman Catholick.

A Roman Catholick ought not to be admitted into offices of responsibility, for reasons

ESSAY III. reasons already specified, in the essay upon Limitation. His oath is not binding, because he may obtain absolution. Neither word nor oath can be received with confidence, since he keeps no faith with hereticks. If he obtained a seat in Parliament, he might betray the interests of the Protestant church; as the good of his own church will sanction every mean of promoting its welfare. He might level a blow at the English constitution; since its fundamental principles, and the prominent doctrines of his creed, are avowedly hostile to each other.

Having excepted against all the preceding classes, I now proceed to state who remain eligible, upon the premises already expressed. These appear to be, Episcopalians, and Protestant Dissenters.

Who should be eligible.

Episcopalians.

That the Episcopalian should be eligible, is an indubitable proposition. His political

political principles are those of the constitution; his religious sentiments are those of a church patronized by the existing laws; and the security which he offers to the state, is the best that the community could possibly receive: his oath is inviolably sacred: he can conscientiously fill up any department of civil trust, and execute the duties of his office, without doing violence to the decisions of his judgement.

Protestant Dissenters.

Further: Protestant Dissenters should be eligible.

This general appellation includes a long list of subordinate distinctions, which it is unnecessary to detail; because, with the exceptions specified in the essay upon Limitations, all denominations of Protestant Dissenters must stand or fall together.

There are, then, several distinct reasons, which

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which I shall adduce, why all Protestant Dissenters should be eligible to fill offices of trust. First: their religious sentiments contain nothing hostile to the peace and welfare of the community with which they are connected. Secondly: they are, from sentiment, the warm and steady friends of all the fundamental principles of the British constitution. Thirdly: they can give all that security, for the discharge of official duties, which can be rendered by Episcopalians.

Reasons why they are eligible.

First: the religious sentiments of Protestant Dissenters contain nothing hostile to the peace and welfare of the community.

First: they hold no sentiments hostile to society.

In the phrase, *Protestant Dissenters*, I include Calvinists, Baptists, Arminians, Quakers, Arians, and Socinians, with a variety of minor denominations. These

These are the chief doctrinal distinctions that exist among them. The other divisions, of Presbyterian, Independent, Methodist, &c. are less important, and respect, principally, their different modes of church government. Now, that church, which admits to exist in itself the two principal classes of those I have enumerated, viz. Calvinists and Arminians, can offer no just and forcible reason, why its own doctrines, when professed by a Protestant Dissenter, should become inimical to the political welfare of the state. It is notorious, that a very large majority of the clergy and laity of the episcopal church are Arminian, many are Calvinists, some are Arians, and some are Socinians. Now, if the sentiments of the Calvinist and the Arminian be inimical to the peace and welfare of the community, they must be equally so in

Their doctrinal sentiments,

held by churchmen.

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the church, as among the Dissenters. As to the other classes of Protestant Dissenters, a brief review of their conduct will shew at once, that many of the worthiest members of civil society are to be found among them; and impartial inquiry may be defied to shew, by any thing like reasonable proof, why a Baptist or a Quaker, an Arian or Socinian, may not be a good master, a good servant, a good tradesman, a good subject, or a good magistrate. It is, indeed, the extreme of folly to urge, that, because a man denies the doctrine of an atonement, because he rejects the divinity of Christ, or because he believes we may be saved from perdition by the merit of our own works, therefore he is unfit to be a member of civil society, or that he is to be viewed, in any degree, as a disturber of the peace, or an enemy to the welfare

No impeachment of their character.

welfare of his fellow citizens. A Calvinist, who believes in the insufficiency of good works to obtain the Divine favour, and an Arian or Socinian, who discards those doctrines which the orthodox consider to be the peculiar glory of revelation, may yet be a good neighbour, a tender and affectionate friend, a peaceable and loyal subject. And if, in some solitary cases, it should appear, that the persons I have enumerated should not possess the highest excellence of social character, yet it would be the extreme of injustice to ascribe that to their religious sentiments, which no reasoning can shew to be in any way connected with them, or a necessary result of their influence.

Illiberal views have been taken of their doctrines.

Those who have attempted to impute to Protestant Dissenters a disposition inimical to the welfare of the community,

ESSAY III. have either been actuated by an illiberal spirit, or have formed their estimates from a very contracted view of the great mass of Dissenters in this kingdom. If any of them be disturbers of the publick peace, and the promoters of disorder and confusion, it does not follow, that this is an effect of their religious sentiments; and he would argue very fallaciously, who should draw such a conclusion. As well might he conclude, that when an Episcopalian is detected in an act of corruption or peculation, it was the necessary consequence of the religious principles he professes. Though I grant, then, that all the distinctions of religious sentiments I have mentioned may be professed by persons of bad dispositions, and, perhaps, of baneful political principles, yet I must maintain, that these differing theological views contain nothing inimical

to

to the peace of society, and the regular administration of the laws.

General character, benevolent.

It may even be maintained still further, that all the different classes of Protestant Dissenters which I have noticed, so far from receiving any deterioration in their social character from the views they entertain on religion, will be found, universally, the steady promoters of peace, and the best friends of their fellow subjects. In their efforts to advance the good of the community, in their compassion for the distresses of others, in their charitable establishments, in their readiness to join in every cause of benevolence, they are exceeded by none of their fellow citizens. Now, the fair conclusion from this is, that their religious views, though ever so heterodox, when estimated by the creed of the established church, contain nothing destructive to the peace, or prejudicial to the welfare, of society.

That

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Their views of church government have no relation to politicks.

That their views of church government, which form the great distinction between them and the established church, are not chargeable with any baneful influence on the community, needs but little proof; or, at least, it will be fully evident, upon a brief consideration of the nature and influence of these views. It is not easy to conceive, how a Presbyterian, who maintains that the church court should consist of the ministers and elders only; or the Independent, who views each religious association as adequate to the regulation of all its own concerns; should be, on this account, a worse neighbour or friend, a worse fellow subject or legislator. Whether I submit to the authority of a diocesan bishop, or bow to the decrees of a presbytery, or acknowledge only the voice of the majority in the individual church to which I belong, I may surely possess all the

the qualifications of a good subject, and retain an undiminished right to all the immunities of a citizen. That must be a mode of reasoning rather novel and extraordinary, by which it can be proved, that he, who receives no code of ecclesiastical law but what he finds in the Scriptures, must be a disloyal subject; or that he, who disputes the propriety of various orders of ministers in the Christian church, must be an enemy to the publick peace; or that he, who maintains the perfect equality of all the members in each separate religious society, must, therefore, be a friend to anarchy, and a promoter of sedition. I confess I can perceive no connexion between acknowledging a presbytery in the church and rendering obedience to the laws of my country, or acting with integrity in the discharge of every social duty; nor can

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can I form any idea why an Independent and a Presbyterian cannot be as good citizens, as good magistrates, as good statesmen, and as loyal subjects, as their episcopalian brethren. It appears indeed impossible for a candid mind to comprehend, why the peculiarities of Protestant Dissenters, in church government and discipline, should incapacitate them for offices of trust, in a free and Christian state: and it is no less so to understand, how an impeachment of their social character can be deduced from the particular interpretation of certain doctrines of Scripture, in which some of them differ from the episcopal church.

Secondly: Dissenters generally attached to the Constitution.

I proceed, Secondly, to shew, that Protestant Dissenters are, from sentiment, warm friends to the fundamental principles of the British Constitution.

This will appear, if we consider their uniform

uniform submission to the execution of the laws; the respect they have ever expressed for the authority of the legislature; the patriotism they have shewn, on every publick and national occasion; the steadiness with which they have advocated the liberties of the people, the freedom of the press, and trial by jury; and the loyalty they have uniformly manifested towards all the House of Brunswick. All these particulars would admit of a distinct and extended illustration; but, for the sake of brevity, I shall merely make an appeal to their general history since the Revolution.

Shewn by a variety of evidence.

Facts will fully justify the assertion, that every branch of the legislature has received their zealous support; and no one, acquainted with their conduct, can affirm, that, on any occasion, when the exigencies of the state required the exertion

Illustrated by historical evidence.

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exertion of their energies, they have been reluctant to yield to these claims. Some of the ablest advocates, who have ever appeared in the cause of liberty and the people, have been of their communion: indeed, a firm, but well-qualified spirit of civil and religious liberty, appears to have been hereditary among them, from the period of the Reformation to the present time. Hume testifies, when speaking of the arbitrary and despotick measures of Elizabeth, that, "so absolute was the authority of the crown, "that the precious spark of liberty had "been kindled, and was preserved by "the Puritans alone; and it was to this "sect, whose principles appeared so "frivolous, and habits so ridiculous, "that the English owe the whole free-"dom of their constitution[1]."

Hume's testimony.

Their

(1) Hume's History of England, vol. v. p. 189.

Their patriotic address to King William.

Their various addresses to the throne, since the Revolution, down to the present time, are a standing proof of their affection for the persons of Protestant sovereigns, and their zealous attachment to the principles of the constitution. The Prince of Orange arrived at St. James's December the eighteenth; and, on the second of January, about ninety Dissenting ministers, with the Earl of Devonshire, and the Lords Wharton and Wiltshire, at their head, "assured his "Highness of their grateful sense of "his hazardous and heroical expedition, "which the favour of Heaven had made "so surprisingly prosperous; that they "esteemed it a common felicity, that the "worthy patriots of the nobility and "gentry of this kingdom had unani-"mously concurred with his Highness's "designs, by whose most prudent advice

"the

Essay III.

"the administration of publick affairs "was devolved, in this difficult con- "juncture, into hands which the nation "and the world knew to be apt for the "greatest undertakings, and so suitable "to the present exigency of our case. "They promised the utmost endeavours, "in their several stations, to promote "the excellent and most desirable ends "for which his Highness has declared. "They added their continual fervent "prayers to the Almighty, for the pre- "servation of his Highness's person, and "the success of his future endeavours "for the defence and propagation of "the Protestant interest throughout the "Christian world[1]."

Address to George I.

In an address presented to George the First, they express themselves thus: "It

(1) Neale's History of the Puritans, vol. iv. chap. 12. pp. 603-3.

" It is no small satisfaction, that we are " engaged with a people so well disposed " to loyalty and fidelity to your Majesty, " as the body of Protestant Dissenters; " of whom we can with safety declare, " that, in all parts of the kingdom, they " adhere most inviolably to your Majesty, " as their only rightful and lawful sove- " reign; and are very sensible of the many " blessings of your auspicious reign." His Majesty replied: " Your steady and " constant adherence and affection to my " person and government give you a " most just title to my protection, on " which you may always depend[2]."

The King's reply.

That the same spirit of loyalty continued among them in the succeeding reign, we have the testimony of the monarch

(2) See Bogue and Bennett's History of Dissenters, vol. iii. pp. 148-9.

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monarch himself. In his address to the Parliament, speedily after his accession to the throne, George the Second says:

George II. to his Parliament.

"At home, I find among my subjects "such mutual charity and forbearance "diffused through the kingdom, that the "national church repines not at the in- "dulgence given to scrupulous con- "sciences; and those, who receive the "benefits of the toleration, envy not the "established church the rights and pri- "vileges, which they by law enjoy. "From these happy causes have flowed "that general tranquillity, that rise of "publick credit, and that increase of "trade and commerce, which have great- "ly improved our wealth and power, "and given us that respect and influence "abroad, which have so much advanced "the glory and happiness of the na- "tion."

In

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Conduct in the Rebellion of 1745.

In the exertions of the nation to repel the hostile efforts of the Pretender, in seventeen hundred and forty-five, the Dissenters made no inconsiderable figure[1]. The testimony of almost every historian, who has written of the period since the passing of the Act of Uniformity to the present time, is in favour of their patriotism, their zeal in the cause of liberty, and their loyalty to the Protestant succession: indeed, it is not possible that it should be otherwise.

Attachment to the Protestant succession.

As they zealously exerted themselves, during the reign of Queen Anne, to counteract the designs of the Tory party, whose object was, at the decease of the queen, to place the Pretender on the throne; as they uniformly avowed their decided attachment to the House of Hanover;

(1) See Note XIX.

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Hanover; as they used their most strenuous efforts to retain the succession, as by law established, in the person of George the First; they subjected themselves to the severe animadversion of the Court and Tory party, whose spleen vented itself in the abominable 'Schism Bill,' and the 'Bill to prevent occasional Conformity,' both which were repealed on the accession of George the First. It cannot, therefore, be matter of surprise, that the Protestant Dissenters, above all others, should exult in the advancement of the present Family to the British throne. And, indeed, they esteem it a subject of high congratulation, that, from the testimonies already adduced, and many others that might be added, it is manifest, that from the accession of George the First, and even long before, the principles which led to that memorable event have been cherished

Love to the present Royal Family.

cherished and avowed among Protestant Dissenters. Nor is it likely that their attachment to those principles should change; for it was round the sacred standard of civil and religious liberty they at first rallied, and that cause they have continued strenuously to advocate. As long, therefore, as that unrivalled Constitution, which rests upon these firm materials, shall remain unshaken, so long Protestant Dissenters will continue the steady friends of its glorious peculiarities.

Thirdly: Dissenters can give every desirable security.

My third reason for maintaining the full eligibility of Protestant Dissenters to offices of publick trust, is, that they can give all that security for the discharge of every duty attached to these offices, which can be expected, or which the Episcopalian can offer.

Their moral character.

In every point of view, their moral habits are equal to those of any class of

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the community; and the integrity, the ability, and liberality of their general character, is such, as to justify the expectation, that, if they were admitted into official stations, they would fill them with as much honour to themselves, and advantage to the nation, as any of their fellow subjects.

They admit the obligations of an oath, &c.

Again: they hold an oath to be sacred and binding, in its most extensive sense. The authority appealed to, they revere; the importance of the transaction they acknowledge and feel. In all the departments of trust to which the subjects are admitted in our constitution, an oath should be acknowledged as the most sacred pledge that can be given by the one party and received by the other: and if a subject be qualified, in every other respect, for the office he is desirous to fill, and be capable of giving his country evidence

evidence that he reveres the great Author of his being; that he is conscious of the sacred nature of the Divine perfections, and impressed with a sense of the detestation with which the Divine Being must witness the act of perjury, and the rewards and punishments which will inevitably follow virtue and vice; he then becomes, in every respect, a good and legitimate claimant to the office in question.

From the reasoning I have already offered, it necessarily follows, that all Protestant Dissenters should be eligible to fill offices of trust. Their religious doctrinal sentiments are no more inimical to the good order of society, than those professed by Episcopalians; their views of church government and discipline have no political bearing; they are, and always have been, firm friends to the

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principles upon which the constitution is founded; and no class of subjects have more uniformly maintained their adherence to all the distinguishing features of the British Government. They bow to the same divine authority, and receive the same sacred oracles as their Episcopal brethren; and every lawful expectation, for the upright and able discharge of publick duties, is likely to be as fully realized in them, as in others: for, "Qui "modestè paret, videtur, qui aliquando "imperet, dignus esse. Itaque oportet "et eum, qui paret, sperare se aliquo "tempore imperaturum[1]."

The argument examined on which their exclusion is justified.

It is one of the principles of our constitution, that every class of subjects has a claim to situations in those departments of the state, which, from their rank

(1) Cic. de Leg. lib. III.

rank and abilities, they are qualified to fill; unless it be found expedient, for the general good, to prevent their admission. Now, that no such expediency exists in the present case, I must maintain. Such an expediency, from views of civil policy, has never been pretended to exist. 'But,' it is said, 'the church could not maintain 'its ground, were it not for the test 'which is opposed, in order to prevent 'the admission of any but Episcopalians: 'it is expedient, therefore,' it is stated, 'for the preservation of the ecclesias-'tical branch of our constitution.' This is the chief, and, indeed, the only argument that can be advanced, to justify a measure so harsh as that which precludes persons so well qualified in every respect, and so completely eligible, as Protestant Dissenters, from offices in the government. This argument will be easily shewn to have

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have no force in it, when estimated by a principle which every Englishman considers one of the peculiar glories of the constitution. The existence of any measure can be justified only so long as it meets with the concurrence of the majority in the nation. It is only on this principle that the Episcopalian can call his the National Church: it meets with the approbation and support of the majority. Now, then, the argument for keeping Protestant Dissenters out of offices of trust, supposes, that the church has the majority of the people on its side: but why, then, should the church entertain a fear of ever sinking, through the admission of others, besides its own members, into the legislature. If the establishment could be endangered, that danger could arise only by the increase of votes against it. But here the principle

The principle upon which it rests.

ciple upon which the Episcopalian justifies the existence of his church, as a national establishment, silences him at once; for when the majority of the House of Lords and of the House of Commons become Dissenters, it is evident that the majority of the nation also are Dissenters; and, therefore, upon the Episcopalian's own principle, he must resign all claim to call his the *National Church*. This is one of the soundest principles of government: it is a dictate of the truest philosophy: it was perceived and admitted, in all its force, by that justly celebrated clergyman, and moral philosopher, Archdeacon Paley: "If," says he, "the dissenters from the "establishment become a majority of "the people, the establishment itself "ought to be altered or qualified. If "there exist, among the different sects, "such a parity of numbers, interest, and "power,

This was acknowledged by Paley.

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"power, as to render the preference of "one sect to the rest, and the choice of "that sect, a matter of hazardous success "and of doubtful election, some plan, "similar to that which is meditated in "North America, though encumbered "with great difficulties, may perhaps "suit better with this divided state of "publick opinions, than any constitution "of a national church whatever[1]."

Test Act prevents the operation of this principle.

As long as the Episcopalian retains the superiority of numbers and of influence, so long his church must be called the Establishment; but when the balance preponderates on the other side, he must relinquish his claim to national patronage. As things now stand, all competition is precluded; and were nine tenths of the nation to unite under any deno-

(1) Paley's Moral Philosophy, vol. II. book vi. chap. 10.

denomination of Protestant Dissenters, it is Episcopalians, and Episcopalians alone, that could be admitted into offices of publick trust, in the various departments of the state.

I shall close the present essay with a few observations upon the most defensible terms of admission into office.

Present terms of admission into office.

The present terms of access to office include the receiving of the Lord's Supper, according to the forms of the established church; and, as the consciences of Dissenters cannot submit to this requisition, without a total dereliction of principle, they are excluded from those situations of trust, emolument, and honour, to which, under a free toleration, the property, influence, and especially the talents, of many, would obtain their promotion. Doubtless, the object of the law is, to exclude bad men from

ESSAY III. from those situations: but the question naturally returns; Are these terms calculated to promote the object which the law is aiming to accomplish? Is it not probable, that a Protestant Dissenter would execute the duties of any lawful office, with more scrupulous integrity than an Atheist or a Deist, or even a Papist? These men can obtain promotion upon easy terms; they have liberated themselves from the shackles of conscience, and, therefore, may swear any oath, or submit to any ceremony, that the legislature prescribes, as a qualification for office; and, for the same reason, may betray the confidence reposed in them, without any other hesitation than what arises from a question upon its expediency. But, if the Protestant Dissenter, from a conscientious regard to principle, resists every lucrative temptation

tation to conformity, is it not reasonable to conclude, that this confirmed veneration for the dictates of conscience would prevent him from committing those breaches of publick trust, into which many have lapsed, whose principles have been less decisive, and their consciences more flexible?

On the Sacrament as a Test.

To constitute the receiving of the Lord's Supper a test of admission into office, is a very awful profanation of the most solemn rite of the Christian Church; and, perhaps, nothing tends so much to weaken the obligations of an oath, in the consciences of men of lax principles, as the prostitution of this sacred ordinance; by compelling them to advance to the altar, as a condition of their obtaining promotion at the hands of their sovereign. Who, that profanely receives the memorials of the Redeemer's dying love, and has no other

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other end to attain, in going to the altar, but to pass by it to a situation of emolument, will scruple to swear any oath that is exacted, whether he designs to observe its contents, or to depart from them, whenever his own convenience presents a temptation?

An oath the most defensible condition of induction into office.

To remedy this evil, let an oath be the only test of admission: let that oath include a renunciation of all sentiments that corrupt the morals of society,—an avowal of belief, in the being of a God, and the authenticity of the Scriptures; and a profession of allegiance to the government. Thus every virtuous and loyal subject would have an opportunity of serving the state, in any department to which his talents could recommend him; and, though bad men might gain access by profaning their oath, the government would not be accessary in rendering their

Prostitution of the Lord's Supper.

their consciences more callous; by presenting an irresistible inducement, "To "tread under foot the Son of God, and "count the blood of the covenant an "unholy thing;" by tempting him to prostitute every decision of his judgement, which might ultimately terminate in a fixed principle of virtue; and by almost compelling him impiously to handle and taste the holy symbols of the broken body and shed blood of our Lord Jesus Christ.

Earl of Yarmouth's observation.

"With respect to qualifying for "offices, &c. the Earl of Yarmouth said, "he feared that Act of Parliament, which "designed so much good, would, in time, "take away the reverence due to that "holy ordinance, and make it a formal "thing, only to be done of course[1]."

The

(1) See Dr. Hildeyard's Sermon at his funeral. Dissent of the Lords on the occasion of the bill's passing.

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Towgood's observations.

The words of Towgood on this subject, are solemn, and deserving attention. "Could I allow myself," says he, "to hate and wish ill to the church, "I would most heartily wish it perti- "naciously to hold fast this shameful "corruption. I would wish it by no "means to give up this open profanation "of the authority and name of Christ, "this prostitution and perversion of a "holy sacrament of his religion; this "destruction of all discipline, this open "door for the reception of the most "abominable and profane to its holy "mysteries and rites. This, if I wished "ill, I would earnestly wish your church "inflexibly to continue; not doubting, "but, if long continued, it will surely at "length bring down upon it the heavy "anger of Almighty God, the just re- "sentment and jealousy of a despised

"and

"and insulted Saviour, and the deep "scorn and contempt of all wise and "thinking men[1]." ESSAY III.

(1) See Towgood's Reasons for Dissent, pp. 68-69.

Essay IV.

ON LICENSING PERSONS AND PLACES FOR THE PERFORMANCE OF DIVINE WORSHIP.

"These religious societies I call churches; and these, I say, the magistrate ought to tolerate. For the business of these assemblies of the people is nothing but what is lawful for every man in particular to take care of: I mean the salvation of their souls: nor in this case is there any difference between the national church, and other separated congregations."

Locke, on Toleration.

Essay IV. Introductory remarks.

It has been argued, in a preceding essay, that the authority of the magistrate does not extend to conscience; but it has been granted, under the article of Limitations, that, when religious principles are openly professed, it becomes the

the duty of the legislature to investigate them, and mark the precise point, at which they begin to militate against the security of the state. This being admitted, Protestant Dissenters do not entirely reject the interposition of the ruling powers; but offer security for the preservation of the publick peace, on their part; and claim, in return, protection from personal insult, publick disturbance, and depredations upon the houses in which they assemble. Thus their views of the extent to which a subject should be accountable to the state for the articles of faith he professes, and the mode of worship he practises, and also the degree of sanction expected from the authority of civil rulers, exactly coincide with the general principles of the social compact.

General division of the subject.

To present the subject under a perspi-

Essay IV.

cuous form, I shall,—Assign political reasons, why the legislature should enjoin an application to subordinate magistrates for the licensing of Meeting-houses:—State the principles upon which Protestant Dissenting Ministers apply for personal licenses:—Shew, that all ought to be licensed whose principles are not inimical to the peace of society:—and, finally, Consider the propriety of limiting to those, who are exclusively engaged in the ministry, the exemptions attached to licenses for preaching.

Political reasons why the Meeting-house should be licensed.

I. I shall assign political reasons why the legislature should enjoin an application to subordinate magistrates, for the licensing of Meeting-houses.

By political reasons, I intend those which are suggested by the expediency of any measure, to promote the general good

good of the community, and the security of the state.

First: to prevent conspiracies in clandestine assemblies.

First: to prevent conspiracies.

All places of publick resort should be known to the government; and the specifick purposes, for which such places are used, should be assigned: and among the other places of publick meeting, those houses should be included, which are appropriated to religious worship. Many evils have arisen in nations, by permitting publick assemblies to be held without license from the supreme power; or, by prohibiting them altogether. In the former case, the people have become turbulent, and a spirit of licentious democracy has quickly tainted the whole nation. In the latter instance, secret meetings have been the certain consequence; and, out of

Evils of clandestine meetings.

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these have arisen, treason, conspiracy, and even open rebellion[1]. Under the pretext of religious assemblies, political machinations, also, have been formed, and have, sometimes, assumed a formidable aspect.

What should be understood by such license.

But, perhaps, the most effectual method of preventing treasonable meetings under the cloak of religion, is, to require all, who open houses for Divine worship, to apply to the magistrate for a license. This application to the magistrate should amount to no more than an account of the place, its situation, the use to which it will be appropriated, and the names of the proprietors or trustees. The license should be, a testimony from the hand of the magistrate, that such notice had been legally presented.

(1) See Note XX.

sented. By these means, government would be in possession of a list of all Meeting-houses; and, if a suspicion existed, that unconstitutional politicks were disseminated from the pulpits of any sect, the legislature would have ample means of ascertaining, whether these suspicions were founded on fact; while the circumstance of permitting all to worship God in their own way, under no other restrictions than those already specified, would deprive evil-disposed persons of an opportunity for assembling clandestinely, under the pretext of meeting to worship God according to the dictates of conscience.

Consequences of denying licenses.

It is not matter of surprize, that numerous plots were agitated against the state in the days of Elizabeth and the Stuarts; for, as thousands of pious persons were necessitated to assemble with privacy, and, some-

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sometimes in the night, if they would obey the dictates of conscience; and as these meetings, though private, became frequent over the whole kingdom; men, whose design was to subvert the state, could also meet, without producing any serious alarm, even if they were detected; and, in case of detection, they would cheerfully pay the penalty attached to assembling in a conventicle, while no suspicion of their political machinations would be excited. But, in our day, when all may publickly worship God according to the dictates of conscience, if bad men were to confederate, and form themselves into a society of any considerable magnitude, their meetings must immediately attract the attention of the magistracy.

Secondly: to insure obedience to the laws.

Secondly: application to the magistrate for the license of Meeting-houses is

is necessary, in order to insure obedience to the laws.

Persons, so immediately under the eye of government, could not break the laws with impunity; and the circumstance of being closely inspected, and liable to reprehension, would stifle in embryo every idea of practising or teaching any thing contrary to the laws of the country. But the most obvious benefit resulting to the community, in thus insuring obedience to the laws, would arise from the entire suppression of those doctrines, which, from their pernicious tendency, were prohibited from being taught. We have seen, that limitations must be prescribed, if the peace and prosperity of the nation are to remain unimpaired. Exceptions have have been advanced against those principles, which sanction the practice of vice;

By preventing the dissemination of principles hostile to the state.

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vice; those which excite a spirit of resistance against the ruling powers; and those which withdraw from the community the pledges of faith, and bonds of mutual obligation. If all places were required to be licensed, none of these doctrines could be publickly taught, without exciting the attention of government. If a sect of Fifth-Monarchy men were now to arise, their meetings would speedily be taken under judicial cognizance; or, if the law prohibited the exercise of the rites of the Romish church, no place could be appropriated for the celebration of publick mass and its appendages, without inviting the attention of some neighbouring magistrate. Thus, if licenses were granted, upon a plan at once liberal and prudential, obedience to the laws would be insured, by removing the plea for transgression, and by rendering

dering it more difficult to elude the law, or break it with impunity.

Thirdly: to afford protection to loyal and obedient subjects, in the exercise of religious duties.

Thirdly: to protect loyal subjects in the exercise of religion.

In every age, a spirit of persecution has manifested itself in the breasts of some individuals: and, even in this enlightened day of civil and religious liberty, the truly pious are often called to verify the declaration of St. Paul, that, "All, who will live godly in Christ "Jesus, must suffer persecution." Bad men are still prodigal of those opprobrious epithets, 'fanatick,' 'hypocrite,' and 'methodist.' He, whose conversation savours of heavenly and eternal things, must run the gantlet, between the lashing persecution, and the pelting scorn, of an ungodly world. While these are facts, attested by daily observation, do they

By preventing persecution.

not

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not prove the existence of a spirit, at once hostile to the peace of society, and to the interests of genuine religion? Would not those principles, which sanction calumny, also encourage coercion? Or, would not those dispositions, which vent themselves in expressions of deep-rooted malignity, reap high satisfaction from burning a conventicle, or placing a Dissenter in the stocks? Hence, it is necessary for the power of the magistrate to be exerted, for the preservation of peace, and the protection of the persons and property of quiet and obedient subjects, whose only crime is, that of retaining purer morals than their persecutors.

Special protection due to all places of worship.

The protection that is extended to places of publick worship, or to persons engaged in leading the devotions of the people, should be more eminent than to

to private dwellings, or to individuals under other circumstances. As the atrocity of an act of outrage against such persons or places is greatly increased by its profaneness, consequently, the punishment annexed to such breaches of the publick peace should be more severe than in ordinary cases. Hence is derived another argument for licensing places of worship; that they may be publickly recognised as such, and thus be placed more immediately under the protection of the civil power.

Policy of the state to protect loyal subjects.

This argument appears to apply more particularly to those who receive licenses, as they are to experience the benefit that will result from the protection of the magistrate; but it also applies, *vice versâ*, to the interests of the legislature. Since it is to the advantage of government to protect faithful and obedient subjects, it becomes

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becomes a part of its politicks to adopt those measures, which will most effectually promote that end. If, therefore, enjoining an application to subordinate magistrates, for the licensing of Meeting-houses, be among the best means of affording protection to loyal and obedient subjects, in the exercise of religious duties, that circumstance presents a good political reason for such a requisition from the legislature.

The principle upon which Dissenters apply for licenses.

II. I am now to state the principle upon which Protestant Dissenters apply for licenses to preach.

Objections of some Dissenters.

Some Dissenters question the propriety of receiving, at the hand of any man, a license to preach the Gospel; alleging, that 'Christ, alone, is Lord of conscience, 'and King in his Church.' 'But,' say they, 'to receive a license from human autho-'rity, would be a tacit acknowledgement 'of

'of a secondary power in the Church, tantamount to that of the Redeemer.' In this sentiment, liberal Dissenters, in general, do not entirely acquiesce. That their views of the extent of the magistrate's authority may be misconstrued, from the circumstance of applying to him for licenses, must be conceded: yet, if we discriminate between civil and ecclesiastical authority, these applications will admit of a perspicuous and satisfactory defence. While they protest against the assumption of ecclesiastical authority by the civil power, they cheerfully come forward to profess their loyalty to the state; and, in return, claim its protection from insult, in the performance of their respective modes of Divine worship.

Division of this branch of the subject.

In arranging the thoughts that occur under this particular, we shall consider, What a Dissenter should *not* expect to derive,

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derive, from the license of the civil magistrate; and, What he actually *should* intend, by applying for that license.

First. what a Dissenter should not expect to derive from a license.

First: what a Dissenter should not expect to derive, from a license to preach the Gospel.

1st. Ability to expound Scripture.

1st. He should not expect to derive any degree of qualification to expound Scripture.

The Holy Ghost, by his illuminating influence acting upon human reason, is the only expositor of Divine revelation in the mind of man. To Him Christ ascribes this work, John xvi. 8, 9, 10, & 11. "When he is come, he will "reprove the world of sin, and of right-"eousness, and of judgement: Of sin, "because they believe not on me: of "righteousness, because I go to my "Father, and ye see me no more: of "judgement, because the prince of this "world

"world is judged." And, again, with immediate reference to the ministerial office, Paul charges Timothy: "That good "thing, which was committed unto thee, "keep, by the Holy Ghost, which dwell-"eth in us[1]."—"Consider what I say; "and the Lord give thee understanding "in all things[2]." With human reason, this young minister was to contemplate the words of the Apostle; and, by the illuminating influence of the Spirit of the Lord, he was to acquire a clear apprehension of Gospel truths. To this Divine instructor ministers should apply, for daily communications of that "wisdom, which "cometh from above;" that they may understand the Scriptures, and be qualified to teach others; that, under his unction, their souls may realize the power of

(1) 2 Tim. i. 14. (2) Ibid. ii. 7.

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of Divine truth, and thus be furnished for the discharge of ministerial duties; that their hearts may be imbued with his graces, and thus become wise to win souls. But these gifts infinitely transcend every thing which human authority can confer: they boast their origin to be from God alone. My natural faculties, my spiritual graces, my ability to expound Scripture, are the same, whether I assume the character of an humble itinerant preacher, and travel from village to village, or that of a stationary dissenting clergyman; whether I profess to receive ordination from the people, or at the hands of a Bishop; whether I preach without a license, in an unlicensed barn, or have my name enrolled in the Archdeacon's Court, and obtain a legal sanction for the Meeting-house where I officiate.

2dly.

2dly. He who receives a license from the magistrate, should not expect to derive from it authority to preach the Gospel.

He should not expect authority to preach the Gospel.

Our authority is derived immediately from Christ, as supreme head of the Church; for his supremacy is a power, which never has been delegated, either to an individual, or a community. The church of Rome has, through many ages, pretended to this mark of the Redeemer's confidence; and being aware, that supremacy without infallibility was a paradox, she assumed the latter, to support the former. But, let us observe the result: both were abused, to the most impious purposes; pious men were silenced from preaching, and persecuted with severity; profaneness was tolerated, and indulgences in sin retailed, with the most flagitious impunity; princes were made

This comes only from Christ.

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the tools of Papal ambition; and prelacy was exalted above the monarchical powers. But, whither is she fallen? where is her supremacy? and whence has her infallibility departed? The splendid structure of her political economy is reduced to ruins: recent occurrences have exposed to contempt the pretended stability of her spiritual hierarchy: her glory has vanished; and,

> "Like the baseless fabrick of a vision,
> "Left not a wreck behind."

Never was delegated to civil rulers.

Surely, in recent events, we have a lively demonstration, that neither supremacy nor infallibility was delegated to her by the Author of the Christian religion. And whence, among ourselves, is derived the supremacy of the civil power in the Church of Christ? To the period when it was assumed, we are no strangers; but the era, at which it was delegated,

delegated, has never yet been ascertained. And, if the magistrate be not the supreme head of the Church, the objection of a conscientious minister to ask, at his hands, authority to preach the Gospel, is founded upon the plainest dictates of reason.

The Gospel entirely distinct from politicks.

Again: as the nature of the Gospel message does not connect with it any question upon politicks, but confines its efforts to the moral and spiritual welfare of individuals, the interposition of the civil power is not only superfluous, but even prejudicial. That the Gospel is, intrinsically, the greatest blessing that ever was conferred upon mankind, is an axiom, in which all parties of Christians concur. That it should be disseminated as widely as possible, is a necessary deducement; and the only problem which remains to be solved, is this: From whom must individuals derive their

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authority, to "Go into all the world, and "preach the Gospel?" We have seen, that Christ has not delegated this power to the civil ruler: it cannot be an hereditary appendage to episcopacy; for the episcopal church has its origin and privileges from the civil legislature, and is liable to dissolution, whenever the King and the Parliament concur to terminate its existence. But the Gospel is destined to spread among the nations, till time shall be no more; and to flourish in the earth, when the proudest kingdoms, with their respective hierarchies, are tumbled into ruin. Therefore, to Him, who is, in his Church, "the King eternal, immortal, "invisible, the only wise God[1]," we must refer, for our authority to preach the Gospel.

The

(1) 1 Tim. i. 17.

Its importance forbids delegation to human authorities.

The importance of its object, also, demands this independence of human sanctions. Thousands of souls are constantly perishing, "for lack of knowledge[2]." In our day, as in the days of Christ, "the harvest truly is plenteous, "but the labourers are *(comparatively)* "few[3]." I intend nothing invidious to the Clergy of the Establishment; and, therefore, shall appeal only to one fact, which will not affect either their doctrine or discipline. How small a proportion of the people of England can be accommodated in their parish churches! and, how very disproportionate is the number of parochial ministers, to the amount of the population throughout the kingdom!

The consequent impiety of interfering, to prevent the preaching of the Gospel.

Admitting, then, that men were better taught

(2) Hosea iv. 6. (3) Matt. ix. 37.

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taught at the Church than at the Meeting-house, it would still be an act of impiety, to prevent peaceable subjects, out of the Establishment, from going abroad among their neighbours, and teaching them to the best of their ability. But, if our authority must be derived from the magistrate, it presupposes, that he may sanction one man, and silence another. And who can insure, that the better man will not be rejected, while the other obtains a commission? Or, who can insure, that, ultimately, all may not be rejected, who do not acknowledge the Archiepiscopal jurisdiction?

The British legislature has no better claim to this authority than others.

It is, further, worthy of observation, that the British legislature can pretend to no authority over the consciences of its subjects, which may not, with equal propriety, be claimed by all other governments: consequently, if the authority of

Consequence of admitting the magistrate's authority.

of the magistrate be essential, as a qualification to preach the Gopsel, I ought not to preach in Spain, without the sanction of a Papist; nor in Turkey, without the acquiescence of a Mohammedan: I ought not to exhibit a crucified Redeemer in the empire of Japan, or in the dominions of the Persian sovereign, without a license from the ruling powers in those idolatrous states. And, if this principle be assumed, Christ was justly punished with death, for teaching, among the Jews, a religion which the Sanhedrim would not consent to tolerate. Paul was impertinent in his conduct at Athens, while he opposed the Grecian mythology; and merited death, at the hands of Nero, for setting forth a strange unlicensed God in the capital of the Roman empire. And, the use of all those means, by which the Gospel was at first promulgated in the world,

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world, was an impious resistance of the powers ordained of God.

The nature of a call to preach excludes human authority.

But, finally: the nature of a call to preach the Gospel, decidedly excludes the intervention of the civil power.

I shall not here enter into a comprehensive discussion of the nature of a call to the ministerial office; but deduce my proposition from a sentiment, admitted equally by conformists and nonconformists. It is essential to the nature of a call to preach, 'that a man be moved by 'the Holy Ghost, to enter upon the work 'of the ministry[1]:' and, if the Spirit of God operate powerfully upon his heart, to constrain him to appear as a publick teacher of religion, who shall command him to desist? We have seen, that the sanction of the magistrate can give no autho-

(1) See Note XXII.

authority to preach the Gospel: and, if he were to forbid our exertions, we must persist in the work: we dare not relinquish a task that God has required us to perform; we cannot keep our consciences in peace, if our lips are closed in silence, while the Holy Ghost is moving our hearts, to proclaim the tidings of salvation: "Yea, woe is unto me," saith St. Paul, "if I preach not the Gospel[2]." Thus, when the Jewish priests had taken Peter and John into custody, and, after examining them concerning their doctrine, "commanded them not to speak at "all, nor to teach in the name of Jesus," these Apostolical champions of the cross undauntedly replied: "Whether it be "right, in the sight of God, to hearken "unto you, more than unto God, judge "ye:

Illustrated in the case of the Apostles.

(2) 1 Cor. ix. 16.

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"ye: for, we cannot but speak the "things which we have seen and "heard[1]." Thus, also, in our day, when the Holy Ghost excites a man to preach the Gospel to his fellow sinners, his message is sanctioned by an authority, which is "far above all principality and power;" and, consequently, neither needs the approbation of subordinate rulers, nor admits of revocation by their countermanding edicts.

A minister should not expect a testimony of qualification.

3dly. He, who receives a license, should not expect to derive from it a testimony of qualification to preach.

No individual is competent to decide.

It would be grossly absurd, to seek a testimony of this description from any single individual, even though he were an experienced veteran in the service of Christ; for, all are fallible, and, under some

(1) Acts iv. 18, 19, 20.

some unfavourable prepossession, even the wisest, or the best of men, might give an erroneous decision upon the case. But this observation will gain additional force, when we suppose the power of judging transferred to the person of the magistrate. We cannot presume, that a civil ruler understands as much of Theology, as a minister of the Gospel. His necessary duties prevent him from critically investigating questions upon Divinity; and confine his attention to that particular department, which society has deputed him to occupy: and, hence, to expect at his hands a testimony of qualification to preach, would be almost as ludicrous, as to require an obscure country curate to fill the office of Lord Chancellor.

Therefore, the magistrate cannot ascertain who is qualified.

But again: admitting that a magistrate, who is nominated by the sovereign

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reign to issue forth licenses to dissenting ministers, is competent to the task of judging of their natural and acquired abilities, it must still remain a doubtful question, whether they are moved to preach by the influences of the Holy Ghost; for it is the prerogative of God alone, to "search the heart, and try the "reins[1]" of the children of men. Consequently, after every effort of the ruling powers, to assume to themselves the right of judging whether a man be or be not qualified to preach, the most essential property of the call must remain to be determined by the conscience of the individual.

It is, further, worthy of observation, that the talents of a preacher may be acceptable to many persons, if not to him

(1) Jeremiah xvii. 10.

him who issues the license. The taste of a person, thus high in office, may be too refined to derive gratification from any, but the most learned, intelligent, and accomplished preachers. Yet, as the Gospel is sent to the poor as well as to the rich, perhaps hundreds of preachers may be highly acceptable, much esteemed, and eminently useful in their respective circles, who would be despised, as men of mean attainments, by one, whose mind is well stored with literature, and cultivated by science. From these remarks I infer, that a man's own judgement must be the criterion, in determining what line of conduct to pursue before he begins to preach: and the opinion of the people, to whom he ministers, must determine, whether it be desirable that he should continue to fill their pulpit.

The hearers must judge of the minister's qualification.

I now

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Secondly: what a Dissenter should intend, by applying for a license.

I now proceed to shew, *Secondly, what a Dissenter actually should intend, by applying for a license to preach.*

To offer his oath as a pledge of loyalty.

1st. To offer his oath, as a pledge of loyalty, and of his determination to preach nothing inimical to the state.

This expression of deference for the civil power is required by the law; and, when the law does not require any concessions, which are at variance with the dictates of conscience, obedience becomes a positive duty. The legislature may have many reasons, of incalculable magnitude, for enacting a certain law; but, in consequence of my ignorance concerning those reasons, the supposed law may appear to me to be the effluence of caprice; yet, if that law does not enjoin any thing contrary to the dictates of conscience, to resist, or to refuse obedience to it, would be equally an act of rebellion against

against God, and against the power that he has ordained. But, the question, now under investigation, rises far above this blind obedience, by presenting weighty arguments to justify such a requisition.

Policy of the state requires publick teachers to be known to government.

A regular policy in issuing out licenses to preachers, appears to be an object of high importance, to the security of the government, and the general tranquillity of the nation. Numerous principles, laws, customs, and private habits, which are intrinsically excellent, have been perverted, by the subtle chicanery of wicked men, to effectuate the most iniquitous purposes. Of this number are the doctrines of Scripture, and the precepts it enjoins, with all their sacred appendages. And, among other gross abuses of religion, the habit of introducing political disquisitions into the pulpit must be regarded as peculiarly subversive of piety in the church

Essay IV. Prevents political preaching.

church and tranquillity in the state. In our day, this practice is generally exploded; and the publick will not hear political preachers. But, perhaps, this disposition of the publick mind is originally derived from preachers; and the general influence of this disposition upon that class of the community, may arise from the three following circumstances: 1st, Licenses are freely granted to Protestant Dissenters; and, hence, there is no cause for discontent among them, arising out of a legislative prohibition from disseminating their religious principles: 2dly, When the license is issued, the party who receives it takes the oaths of allegiance and supremacy[1], which are binding upon his conscience, to suppress every word, and even sentiment, that is hostile to

(1) See Note XXIII.

to the government: and, 3dly, The civil power retains the means of silencing him, if he were to break his oath, and disseminate sedition. From these three circumstances, and their ultimate effect upon the publick mind, we may infer the propriety of the legislature enjoining some oath of allegiance to be taken, when a license to preach is granted.

Excludes seditious persons from opportunities of publick speaking.

But, perhaps, the most obvious benefit that results to the community from this plan of licensing all who become publick preachers, is, the exclusion of those, who would assume religion as a pretext to disseminate corrupt politicks. All who are licensed, are thereby brought more immediately under the inspection of the magistrate. Hence, persons of this description are deterred from resorting to religion as a veil to their evil machinations, in the manner and degree

ESSAY IV. in which they would assume it, if the legislature took no cognizance of publick speakers, or observed their transactions, with no other view than to suppress them. Under this branch of the subject, I must beg the reader to refer to the remarks, which occurred under the head of Licensing places for Divine worship; as they will illustrate the preceding thoughts still further, and shew the propriety of requiring preachers, also, to give in their name and residence to the magistrate, and to receive of him a certificate, testifying that the register has been duly made.

All good men ought to comply.

Here it is worthy of observation, that, as a regular application for a license to preach, and the taking of an oath of allegiance, appear to government to be necessary for insuring tranquillity in the state, and since neither is contrary to

to the dictates of conscience, good men ought to comply with the requisition.

Publick speakers have great influence:

It should be observed further, that publick speakers have great influence; they necessarily ingratiate themselves with their auditors; the topicks they discuss are popular, with those who attend their lectures; and, frequently, a popular publick lecturer is regarded, by a large majority of his hearers, as the oracle of truth, in that particular science upon which he expatiates. These are facts, which apply with peculiar propriety to dissenting ministers. The degree of natural talent, of literature, and of general information, which they possess, exalts them far above the level of mediocrity, in those congregations in which they officiate. Their integrity, probity, and moral habits, command veneration. Their frequent, friendly, and affectionate

particularly dissenting ministers.

ESSAY IV. visits among the people, endear them to every family, and to almost every individual of their congregations.

All these circumstances concur to facilitate the dissemination of any principles they are desirous of inculcating. The powerful influence of reverential esteem will carry these principles home to the heart with peculiar energy, and stamp them there with an indelible impress. Hence, two propositions may be deduced. First; that, while it is beneath the dignity of a national legislature to temporize with any sect, it is highly impolitick to alienate the affections of publick teachers, by any acts of superciliousness or caprice. This being admitted, a Second necessarily follows; that, as dissenting ministers possess a very eminent degree of influence throughout the country, it is wise in government to require

Government should therefore secure it.

require every one, who receives a license to preach, to take an oath of allegiance, as a pledge of his loyalty.

An oath of allegiance not incompatible with the Gospel.

The nature of the Gospel message gives ample license to take an oath not to advance any thing in the pulpit inimical to the state. Its subject is not more immediately allied to one form of government than to another. It does not claim, as a necessary correlative, either monarchy, aristocracy, or democracy. Paul was the same man in Jerusalem, at Athens, and at Rome. In every place he was a minister of Jesus Christ; but, in none of them, a political "mover of sedition[1]." The Gospel message is entirely spiritual in its nature; its object is, to enlighten the understanding by Divine truth; to conquer the obstinacy of

Nor with the Gospel minister's commission.

(1) Acts xxiv. 6.

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of the human will; and to meliorate the turbulent passions of the mind; that, by transforming the soul into the moral image of God, its everlasting happiness may be insured, and glory redound to that Divine agency, by which the transformation is effected. The prominent doctrines, to which it requires our assent, are entirely detached from every political question. A conviction of our personal guilt and impotency, faith in the ability of the Redeemer "to save them to the "uttermost that come unto God by "him[1]," and the necessity of manifesting our obedience to him, whom we profess to worship, as, "over all, God blessed "for evermore[2]," by keeping his commands, are the leading features of the Gospel. Upon these the Christian minister

(1) Heb. vii. 25. (2) Rom. ix. 5.

ster is to expatiate with a holy ardour. But, while these are the distinguishing topicks of his mission, it is evident, that political disquisitions are foreign to the nature of his office; and, even when these distinguishing doctrines of the Gospel are received under a more qualified form, they still remain absolutely distinct, from every principle which militates against civil authority[3].

Ministers of the Gospel pervert the end of their office by political discussions.

These remarks naturally lead to the conclusion, that a minister of the Gospel ought not to introduce politicks into the pulpit, except on extraordinary occasions, and then with great caution.

Public events may still be noticed, and improved.

If a day of general thanksgiving be appointed by the supreme power, and I on that day conduct publick worship, I feel at liberty to notice those circumstances,

(3) See Note XXIV.

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How this may be done.

stances, in which the appointment originated: and, if their political and their moral tendencies be not at variance, I would excite my auditors gratefully to acknowledge the goodness of God, as displayed in those particular occurrences, which gave rise to the nomination of a day to be thus appropriated. If a proclamation be issued for a general fast, it is expedient to comment upon the vices of the nation; and, though this must be done with delicacy in relation to persons, it requires no qualification in respect to their crimes. It may be proper to introduce reflections upon any gross violation of the rules of morality by particular classes in the community, and to give that advice to the various descriptions of hearers, which the crisis seems naturally to suggest. These, and many other subjects, which have a political

tical tendency, may be discussed upon such extraordinary occasions, without incurring the charge of violating that neutrality, which Dissenters, in general, profess to observe, in the discharge of their publick and official duties. As the observance of the day is an act of obedience to government; as the topicks which have been mentioned must sometimes be discussed; and, as they might not appear equally seasonable at any other time; the propriety of embracing such opportunities, for the purposes already specified, must be obvious to every candid and liberal Dissenter. Yet, even upon these occasions, it is departing from the design for which the day was appointed, and amounts to a dereliction of Evangelical principles, to agitate questions of a deep political tincture in a Christian pulpit.

Deep political discussion should, upon all occasions, be avoided.

Hence, from a general principle of obedience

ESSAY IV. Summary review of the whole argument.

obedience to the law, in all matters where conscience is not implicated; from a conviction, that the civil power has a right to demand security of publick teachers of religion, that they will not inculcate any thing inimical to the state; from the degree of weight, which dissenting ministers are capable of throwing into the political scale; and, from the incompatibility of politicks with the subject of the Gospel; I infer, 1st, that the magistrate may justly require my oath of allegiance, as a pledge of loyalty, and of my determination not to propagate, under the cloak of religion, any sentiments calculated to disturb the tranquillity of the state: 2dly, that I am at liberty to render the pledge which is required, without doing violence to the dictates of my conscience: and, 3dly, that, as it is required by the law, it becomes

Inferences.

becomes my duty to obey, in the most sincere and unequivocal manner. This, I conceive, is the first principle to which a dissenting minister, by appearing in a court of judicature to apply for a license to preach, intends to subscribe.

The dissenting minister's claim for special protection.

2dly. A Dissenter, in applying for a license to preach, advances a claim upon the secular power for special protection.

Natural claim.

He has a natural claim for protection, arising out of the contract which virtually subsists between rulers and their subjects; a contract of guardianship on the one part, and obedience on the other. Having surrendered up part of his natural liberty, as an independent individual, that he may receive, as a compensation, the general advantages of social life, and have those advantages rendered permanent, by the steady administration of

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of general laws, he possesses a claim upon the representative of the law, for that protection which is implied by the nature of the contract. This claim, then, must remain absolutely unalienable, by any other means than his own act of delinquency, in breaking those laws which are the definite bonds of the compact. In secular transactions, he stands upon the same basis with his fellow subjects. If he be injured in his person, reputation, or property, the law should provide for him the same means of redress as for any other member of the community: and, with a discreet legislature, an equitable judge, or an impartial jury, it will not appear a question of importance, whether the plaintiff be a Jew, a Mussulman, a Roman Catholick, or a Protestant; whether he be a Churchman or Dissenter; whether, except in relation to the

This not alienated.

the degree of damages in cases of defamation, he sustain a private or a publick character. The acts of the legislature, the decisions of the judge, or the verdict of the jury, should award justice to plaintiff and defendant, according to the circumstances of the case, irrespective of the articles of their creed.

He has a special claim to protection.

But, the dissenting minister's claim upon the magistrate for special protection, while engaged in performing the duties of his office, is one that merits particular attention.

Definition.

By special protection, I intend two things: 1st, that a heavier penalty should be annexed to any act of outrage against his person, or wilful interruption of Divine worship when he is officiating, than in ordinary cases of assault and disturbance: and, 2dly, that greater facility of redress should be afforded him, than

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than by the customary procedure of the law, in the cases of private individuals.

Why he should have such claim.

The propriety of extending this degree of protection to a dissenting minister will appear from the following circumstances.

He is a servant of the publick.

He is serving the publick.

Without incurring the charge of enthusiasm, we may venture to assert, that a minister of the Gospel serves the publick in an eminent way, and to an extensive degree. He is, professionally, the patron of morality, its advocate to the world, an ensample of its nature to the church, and, consequently, the enemy of every sin: therefore, if morality be a publick benefit, as the Gospel tends to promote good morals in society, he, who is professedly "set for the de-"fence of the Gospel[1]," must be an eminently

By enforcing morality.

(1) Phil. i. 17.

By inculcating those principles which guide to eternal happiness.

eminently useful servant to the publick. But, if we extend the idea yet further, and take into the account the nature of the Gospel message, its offer of deliverance from condemnation to eternal misery, presented to sinful creatures, whose guilt had incurred that awful proscription; and contemplate, as a final result, the felicity of a glorified spirit, the perpetuity of heavenly enjoyments, and the immutable nature of Divine love; all present advantages shrink into comparative meanness, and furnish us with an admirable comment upon the words of Paul: "Now, then, we are am-
"bassadors for Christ; as though God
"did beseech you by us, we pray
"you in Christ's stead, be ye reconciled
"to God; For he hath made him to be
"sin for us, who knew no sin, that we
"might be made the righteousness of
"God

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" God in him[1]." And, when we unite, in one view, the present with the everlasting advantages, that are immediately connected with the reception of the Gospel, human reason will feel constrained to draw the inference, that he, who promulgates the Gospel in a nation, is eminently serving the publick.

His office exposes him to greater danger.

Again: *His office exposes him to more than ordinary danger.*

That, in every age of the world, a spirit of persecution has existed in the hearts of the vicious among mankind, against those who were eminently pious, is a fact too well authenticated, to need particular proof, and of which the most voluminous martyrologies present a very insufficient detail. Numerous facts of recent date, also, might be brought forward,

(1) 2 Cor. v. 20. 21.

ward, to corroborate the observation; but, as the remark is generally admitted, it is not necessary to introduce those proofs in the present connexion.

Must be an object of hatred to wicked men.

Now, if this sentiment be admitted, the inference is plain; that, if ministers of the Gospel discharge the duties of their office with fidelity, their eminent piety will excite the malignity of their wicked neighbours; and the conspicuous situation, which they are called to occupy, will expose them to an extraordinary degree of antipathy from the enemies of the cross. They are "set for the "defence of the Gospel;" and, in this warfare, no less than in that which is "carnal," he who leads the van, must encounter the most formidable opposition. In our day, racks and tortures, with other sanguinary punishments, are disused in religious controversy; but

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the disposition, that, in former ages, excited men to apply these cruel engines of torture, still reigns in the breasts of a numerous class in society; and the opposition they express against Evangelical truth, proves, that we are indebted to the existing laws, for the continuance of peace in the exercise of religious duties, rather than to a reform in the principles and disposition of those, who are "enemies to the cross of Christ."

Perseverance essential to his character.

Here it is worthy of observation, that, although the rancour of the human heart rises high against those who publickly inculcate the humiliating and purifying doctrines of the Gospel, the nature of the Christian minister's commission constitutes perseverance an indispensable duty. The pious, disinterested minister of Jesus Christ, must continue faithful to his charge, and steady in executing his

He must not fear consequences.

his commission, even though he should, thereby, incur the obloquy of his neighbours, or even death at their hands. Consequently, every effort to suppress the exertions of such persons, unless accompanied by their total extirpation, must ultimately prove abortive. Having embarked in the same cause with the great Apostle of the Gentiles, they desire to feel animated by the same holy ardour, which produced that bold and energetick exclamation: "But, what things were "gain to me, those I counted loss for "Christ: yea, doubtless, and I count all "things but loss, for the excellency of "the knowledge of Christ Jesus my "Lord[1]:" &c. Now, if preachers of the Gospel be thus decided what line of conduct to pursue, if conscience impel them forward, in the arduous cause to which

Perseverance of St. Paul, his example.

(1) Phil. iii. 7, 8.

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which their hearts are attached, and if their exertions be conducted in a peaceable manner, they merit that specifick degree of protection, which the peculiar exigencies of their circumstances require; and more especially so, as those peculiar exigencies arise out of the regular discharge of their official duties.

Special protection granted to other publick characters.

Every officer of the law, while engaged in discharging the duties immediately connected with his office, is under the special protection of those laws, which he is administering. And thus, also, every minister of religion, who is recognized by the law, should be taken under its more immediate protection. By his conspicuous station, he is more exposed to the malignity of the vicious, than men in general. Hence, we derive an argument for the infliction of heavier penalties on those by whom he is molested. These

cases

cases will probably return more frequently in his experience, than in that of private persons; and, consequently, his means of redress ought to be more direct and speedy.

Policy of government to secure the influence of dissenting teachers.

Another argument, in corroboration of the preceding remarks, may be deduced, from *the weight of influence which the dissenting minister throws into the scale of loyalty.*

As his influence in society is great, and he voluntarily pledges his veracity not to excite a spirit of disaffection to the government, he is entitled to a particular degree of protection. Through the mercy of God, tranquillity now reigns in Britain. We are not permitted to become the prey of contending factions, nor to witness the return of those days, when the whole body of the people were divided into two hostile parties. While this has been the fate of almost every

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every country upon the continent of Europe, the inhabitants of Great Britain have remained in a state of general unanimity; and, hence, the degree of influence of any particular class in the community has not been brought to the test. But, if we reflect upon the causes already assigned for a dissenting minister's influence among his people, and recur to the accession of Queen Mary and King Charles the Second, and the abdication of King James the Second, we shall discover, in some of the occurrences of those eventful times, a luminous illustration of the sentiment.

Illustrated in the case of Queen Mary.

When the Lady Mary, daughter of Henry the Eighth, retired into Suffolk, after the decease of Edward the Sixth, to levy troops to oppose the decision of the Lords of the Council in favour of Lady Jane Grey, she pledged her veracity,

to

to the Protestants in Norfolk and Suffolk, not to make any innovations upon the reformed religion. Fox testifies the fact in these words: "To whom, first of all, "resorted the Suffolk men; who, being "always forward in promoting the pro- "ceedings of the Gospel, promised her "their aid and help, so that she would "not attempt the alteration of the reli- "gion, which her brother, King Edward, "had before established by laws and "orders publickly enacted, and received "by the consent of the whole realm in "that behalf. Unto this condition she "immediately agreed, with such promise "made unto them, that no innovation "should be made of religion, as that no "man would or could then have mis- "doubted her[1]." From this statement it

Aided by the Puritans, in opposing Lady Jane Grey.

(1) See Fox's Martyrs, vol. iii. p. 15.

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it appears probable, that some of the reformed preachers were among the first advocates of Queen Mary's cause.

All numerous bodies of men must have leaders; and, as a verbal compact was entered into between the parties, and the principal condition of their placing her upon the throne appears to have been, that no innovation should be attempted upon the reformed religion, we are led to suppose, that these conditions, probably, were dictated by reformed ministers. But the two following cases bear yet more directly to the point in question.

In the case of Charles the Second.

At the decease of Oliver Cromwell, the Dissenters were the ruling party in the nation; and to them is due the praise of restoring the House of Stuart to the throne of England. A conference was held at Northumberland House,

House, between General Monk, the Earl of Northumberland, the Earl of Manchester, Hollis, Sir William Walter, Lewis, and a few other eminent persons, who were considered leading men in the moderate Presbyterian party: and, at this conference, the restoration of Charles the Second was proposed in direct terms, as indispensably necessary[1]. Rapin says of the Parliament: "It continued sitting "but twenty-five days; in which time "several steps were made, which clearly "discovered that they were by no means "disinclined to the king. For, 1st, They "ordered a general discharge of all the "imprisoned friends of the king. 2dly, "They repealed the oath for the abju- "ration of Charles Stuart and all the "royal family. 3dly, They voted Monk "to be general of the armies of the three "nations.

Testified by Rapin.

(1) See Clarendon's Hist. of the Reb. vol. vi. p. 374.

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" nations. 4thly, They voted down the old,
" and appointed a new, council of state.
" 5thly, They made great changes in the
" militia, and took away all commissions
" from the republicans. 6thly, They ab-
" rogated the oath requiring to be faithful
" to the established government without
" a king and house of peers. Lastly,
" They dissolved themselves, issuing out
" writs for a new parliament, to meet on
Presbyterians the predominant party.
" the 25th of April. In this free parlia-
" ment, the Presbyterians, who were
" much superior in number, did not
" think proper to exclude the Royalists,
" with whom they were in perfect
" agreement for restoring the king. This
" parliament was an assembly, in which
" the Presbyterians had, certainly, a su-
" periority of voices. Consequently, a
" Presbyterian parliament restored the
" king to the throne of his ancestors."

One

One more quotation upon this question may suffice. Hume testifies: "The Presbyterians and the Royalists, being united, formed the voice of the nation, which called for the king's restoration. The king was almost entirely in the hands of the former party: some zealous leaders amongst them began to renew the demand of conditions; but the general opinion seemed to condemn these jealous capitulations with their sovereign[1]." Again: "The king's negligent ingratitude to the unfortunate cavaliers admits of some excuse, as he had been restored more by the efforts of his reconciled enemies (the Presbyterians), than of his ancient friends[2]." And, when Charles the Second perceived a prospect of returning to take possession of the throne of England, he gave to Protestant

Testified by Hume.

Inferred also from Charles's conduct.

(1) See Hume's Hist. vol. ii. p. 113. (2) Ibid. p. 158.

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Protestant Dissenters the most solemn assurances of protection in the free exercise of their religion. At Breda, he solemnly promised "Liberty to tender "consciences, and that no man should be "disquieted for differences of opinion in "matters of religion, which did not dis-"turb the peace of the kingdom[1]."

Influence of Non-conformists acknowledged by the Episcopalians, at the abdication of James II.

When the episcopal clergy were alarmed at the rapid advances of James the Second towards Popery, and began to feel the consequences of his innovations upon the principles of the British constitution, and the baneful effects of the doctrines of Divine Right and Non-resistance, which they themselves had so vigorously promulgated, they solicited the aid of Dissenters, to second their own efforts in resisting the monarch, who then appeared their most formidable

(1) See the Appendix to Towgood's Dissent.

midable enemy. Dr. Lloyd, bishop of St. Asaph, when passing through Oswestry in Shropshire, sent for Mr. James Owen, the dissenting minister, and acquainted him with the invitation, which had been privately sent, from himself and other eminent men, to the Prince of Orange: and, at this interview, it is asserted, the bishop uttered the following memorable words: "I hope "the Protestant Dissenters will concur "in promoting the common interest; "for you and I are brethren. We have, "indeed, been angry brethren; but we "have seen our folly, and are resolved, if "ever we have it in our power, to shew "that we will treat you as brethren." Archbishop Sancroft, also, in a letter to the clergy, about the same critical period, exhorts: "That they walk in "wisdom towards them who are not of "our

Dr. Lloyd to the Rev. J. Owen.

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Archbishop Sancroft to the Clergy.

" our *(the Episcopal)* communion; and,
" if there be in the parishes any such
" persons, that they neglect not, fre-
" quently, to converse with them in the
" spirit of meekness, seeking, by all good
" ways and means, to gain and win
" them over to our communion; more
" especially, that they have a tender
" regard to *our brethren, the Protestant*
" *Dissenters;* that, upon occasion offered,
" they visit them at their houses, and
" treat them kindly at their own, and
" treat them fairly whenever they meet
" with them; and, that they should
" request them warmly and affectionately
" to join us in daily fervent prayer to
" the God of peace, for an universal
" blessed union of all reformed churches,
" at home and abroad, against our com-
" mon enemy[1]."

Uniting

(1) See Neal's Puritans, vol. iv. p. 591.

Conclusion from these testimonies.

Uniting all these facts in one view, it appears highly problematical, whether Queen Mary, King Charles the Second, or William the Third, would ever have swayed the British sceptre, if the body of Protestant dissenting ministers of those times had laid their weight of influence in the opposite scale. Such was the situation of the political system, in the ages to which we have referred; and such the degree of influence which Protestant Dissenters were capable of imparting. But, in the present day, the degree of their influence is not known; and, I pray God that nothing may occur to provoke the experiment. The number of Dissenters is now incomparably greater than in any preceding age, and their wealth proportionate to their numbers[2].

Influence of Dissenters now, far greater than at the periods mentioned.

Another

(2) See Note XXV.

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Dissenting minister bound more closely to the State by the oaths he has taken.

Another argument, in support of our claim for special protection, we derive, *from the compact being more close, between a licensed dissenting minister and the state, than between the state and every individual of the community at large.*

Every individual subject in the nation is considered to have virtually taken the oath of allegiance; yet, upon induction to any office, it is deemed expedient for him to confirm, by a positive transaction, that which was before only virtual; and, this being performed with specifick relation to the office, he is considered more closely allied to the state than in his former capacity. To this remark it may be objected, that his intimate connexion with the state is maintained through the medium of his office, and not by the circumstance of having overtly taken the oath of allegiance: yet, I incline

incline to think, that even his obligation to discharge the duties of his office with fidelity, arises more immediately from the solemn renewal of his allegiance to the government, under which that office is held, than from the original subsistence of the social compact; and, whenever the social compact is renewed by an overt act, the knot is tied more closely. Under these circumstances the subject is bound, by the most eminent obligations, to be loyal to the government; and the government is under equally powerful obligations, to extend to that subject special protection. Consequently, when a dissenting minister solemnly avows his determination, to preach nothing inimical to the state, that act constitutes a claim upon government, for special protection while engaged in fulfilling the duties of that office, which rendered

He has recognized his obligations to loyalty.

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a renewal of the compact desirable in the eye of the law.

Conse-quences of denying special protection.

Further: the mischief, that arises from abuse or assault against a minister engaged in the duties of his office, is far more extensive, than if the trespass were committed against a private individual. If a minister be interrupted during Divine worship, the whole congregation are reduced to a state of alarm and tumult; their devotions are suspended, or, perhaps, entirely counteracted upon that occasion.

Tumult would ensue.

There is a high degree of probability, that some of the congregation would defend the person of their teacher, even though it were at the peril of their own lives; and, if the contending parties were equally desperate, very serious consequences might ensue. Such acts of hostility, if not suppressed by the prompt application of heavy penalties, might excite

excite a spirit of discord and contention through the whole neighbourhood, or divide, into two powerful parties, the village, the town, or the city, where the event occurred. Many of the parties, whose virulent animosity against religion had betrayed them into these acts of outrage, might not possess the means of paying the expense of an action for an assault, in the higher courts of law: and, in this case, to subject the injured party to the trouble and costs of prosecuting, as upon ordinary occasions, would deter them from bringing the delinquents to justice, except in cases of peculiar atrocity. And this circumstance would be an additional stimulus with vicious men, who were poor, to commit such acts of outrage, in hope that poverty would be their license to act with impunity.

Injured party might not obtain redress.

Criminal party might be encouraged.

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Profaneness of interrupting a minister.

Finally: *all the preceding considerations are rendered more weighty, by the profaneness which the act manifests, and the impiety which it implies.*

Illustrated from Old Testament History.

Did the God of Israel smite fifty thousand and seventy men of Beth-shemah, because they looked into the ark, and thus profanely violated the sanctity of that glory, which dwelt between the Cherubim[1]? Was Uzzah slain for an act of transgression nearly similar[2]? Was king Uzziah smitten with an incurable leprosy, for profanely intruding into the priest's office[3]? Is it admitted, that the ancient temple was so holy, that none but Levites might minister therein, and none, who was ceremonially unclean, presume to enter its sacred portals? and, may we not infer, from the immu-

(1) 1 Sam. vi. 19. (2) 2 Sam. vi. 7. (3) 2 Chron. xxvi. 19.

immutability of the Divine nature, that any act of wilful disturbance of religious worship, in the present day, is equally as criminal as those profane innovations upon the institutions of the Jewish dispensation? It was the presence of God, which sanctified the ark, the altar, and the temple: and He, who then dwelt between the Cherubim, has given, to these latter ages of the world, the most unequivocal testimony, that he is present with the worshipping assemblies of believers. Christ said to the woman of Samaria: "The hour cometh, when ye "shall, neither in this mountain, nor yet "at Jerusalem, worship the Father."— "But the hour cometh, and now is, "when the true worshippers shall wor- "ship the Father in Spirit and in truth[4]."

Our Lord's declarations on worshiping assemblies.

And,

(4) Gospel of St. John, vi. 23.

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And, again: in one of his lectures to the Disciples, he promised: "Where two or "three are gathered together in my "name, there am I in the midst of "them[1]." And, finally, in his last charge to those, whom he had commissioned to preach the Gospel, he saith: "Lo! I am with you alway, even unto "the end of the world[2]." And, if the Redeemer be present in all the assemblies of those, who "worship the Father in "Spirit and in truth," what act of profaneness can equal that of wilfully interrupting their devotions?

Summary review of the whole argument.

Thus, the dissenting minister's claim upon the magistrate for special protection, while engaged in performing the duties of his office, is founded upon the most extensive and immutable principles. He

(1) Matt. xviii. 20. (2) Matt. xxviii. 20.

He is eminently serving the publick:—his office exposes him to more than ordinary danger:—his influence contributes to the stability of the government:—the compact between him and the state is more intimate, than between the state and private persons, who have not actually taken the oath of allegiance:—the mischief that arises from abuse or assault upon a minister engaged in publick worship, is more extensive than in ordinary cases:—and all other claims are consummated, by the sacred nature of those duties in which he is engaged.

Present state of the laws.

In this view, the deliberations of the legislature of sixteen hundred and eighty nine, and their happy result, appear generally to concur; for the Toleration Act expressly provides: "That, if any "person or persons, at any time or times "after

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" after the tenth day of June, sixteen
" hundred and eighty-nine, do and shall,
" willingly, and of purpose, maliciously
" or contemptuously, come into any
" cathedral or parish church, chapel, or
" other congregation permitted by this
" act, and disquiet or disturb the same, or
" misuse any preacher or teacher, such
" person or persons, upon proof thereof
" before any justice of peace, by two or
" more sufficient witnesses, shall find two
" sureties, to be bound by recognizance in
" the penal sum of fifty pounds; and, in
" default of such sureties, to be commit-
" ted to prison, there to remain till the
" next general or quarter sessions: And,
" upon conviction of the said offence, at
" the said general or quarter sessions,
" shall suffer the pain and penalty of
" twenty pounds to the use of the king's
" and queen's majesties, their heirs and
" succes-

Its view of disturbances in places of worship.

"successors[1]." Thus the law constitutes an act of wilful disturbance of a worshipping assembly, in a licensed dwelling-house, where a licensed lay preacher is officiating, equally as criminal, as if the outrage were committed in a cathedral, and during the ministrations of a bishop.

Licenses should be freely granted to all, whose principles are loyal.

III. I now proceed to prove, that licenses should be freely granted to all who apply for them, if their avowed principles do not militate against the peace of society.

It is unnecessary to enumerate again those principles, which constitute a man unfit for a publick teacher, and justify the

(1) See the Toleration Act; entitled, "An Act for "exempting their Majesties' Protestant subjects dissenting "from the Church of England, from the penalties of "certain laws."

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the magistrate in refusing a license. These have already been stated; and our attention is now invited to consider the proposition as qualified by exceptions already expressed.

First: ordination not an object of the magistrate's inquiry.

First: The magistrate, in his judicial capacity, cannot know any difference between the ordained minister and the lay preacher, arising exclusively out of the circumstance of ordination.

Bishop and magistrate derive their power from the legislature.

The episcopal clergyman, the ordained dissenting minister, and the lay preacher, alike receive permission to preach from the legislature. That authority, which has entrusted to subordinate magistrates a power to grant licenses to Dissenters, also vested in the bishops the right of ordaining candidates for the ministry in the episcopal church: consequently, a licensed Dissenter possesses, in a civil point of view, an equal degree

degree of authority to preach the Gospel, with the most dignified clergyman of the established church: and, as the constitution of that church acknowledges the supremacy of the sovereign in creating her ministers, and the authority of the legislature in decreeing her ceremonies, her creed, and even the perpetuity of her existence, no consistent Episcopalian can dispute the authority of a licensed lay preacher to promulgate the Gospel, since it is derived from the same source as that of the archbishop. The circumstance of ordination is entirely extraneous from the radical principles of the social compact, which is the only basis of good political economy. An English Episcopalian considers all ordinations, among Dissenters at home, and in foreign Protestant churches, to be invalid; but asserts the validity of that ordination which

Therefore, authority of licensed teachers equal to that of Episcopalians.

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which is conferred by the Pope, or the dignitaries of the Romish church[1]. With him, an ordained dissenting minister, and a lay preacher, are, equally, no more than *pretenders to holy orders;* consequently, for any member of the episcopal church to advise the granting of licenses to ordained Dissenters, and to refuse to license lay preachers, would amount to a gross dereliction of his own principles.

Means by which dissenting churches are furnished with ministers.

It is also worthy of notice, that the means by which nonconformist congregations are replenished with ministers, renders this plan of granting licenses, *irrespective of ordination,* peculiarly expedient. Protestant Dissenters do not train up youths from their infancy with a specifick view to the ministry, and resolve, that, whether they be pious or

(1) See Note XXVI.

or profane, their irrevocable destiny shall be, to fill the Christian pulpit, and minister in the sanctuary. This is considered an infringement upon the voluntary choice of the youth, and an awful innovation upon the nature of the sacred office. It is left with the providence of God, to bring forward suitable persons to occupy stations of eminence in dissenting churches; with the conscience of the individual, to determine whether he be moved by the Holy Ghost, to take upon himself the ministerial office; and with the body of the people, to invite that man to be their pastor, whose talents appear to them to be best adapted for their edification. Hence it is, that most dissenting ministers have, in early life, been engaged in secular concerns; and, as they do not expect the miraculous interposition of Providence, either to call,

or

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or to qualify them for the work of the ministry, they conceive, that those talents, which are well adapted for the sacred office, must be matured, by an application to appropriate studies, and by a gradually increasing degree of exercise in prayer and preaching. Upon this system, it becomes necessary for a young man to exercise his gifts in publick in an occasional manner, during one, two, or three years, before his friends will venture to pronounce him qualified to enter into any of the dissenting colleges, with a view to qualify himself for settling as pastor over a congregation. In other cases, if the man has a family, or some other incumbrances, which prevent him from entering upon a regular course of preparatory studies, he may continue many years, preaching to destitute congregations, or in villages, and ultimately settle

Trials, &c. of Candidates.

settle in the ministry: yet, in both these cases, there would be a manifest impropriety in permitting these men to preach without being licensed, or to refuse a license, and, by that act, to forbid their preaching, under the pretext of their not being ordained.

Secondly: to refuse a license, an act of persecution.

Secondly: to refuse licensing a preacher, upon the ground of his not being ordained, would be a positive act of persecution.

Itinerants.

Such an act is not, in the smallest degree, essential to the security of the state; for lay preachers are under the same regulations as ordained ministers: they take the same oath of allegiance, and ought to be subject to the same penalties upon the breach of their oath. It cannot be shewn, that, as a body, they are more disloyal than their ordained brethren, or that they are in the habit of

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General character of itinerant preachers.

of inculcating unconstitutional politicks. If the author of the present essay may be permitted to delineate their general character, from the most impartial estimate of those who have come under his immediate observation, it would be this: They are men of unimpeachable moral habits; of friendly dispositions in social life; obedient as subjects; rather above the level of mediocrity in intellect; their hearts are imbued with a spirit of universal philanthropy; and, that a portion of time which their neighbours commonly devote to the perusal of news and the discussion of politicks, they appropriate to the important task of preparing to instruct, in a plain perspicuous way, the lower classes of society, at their respective stations on the approaching Lord's day.

What might justify their suppression.

Were it possible to prove, that the suppression

suppression of lay preaching is essential to the security of the state, or even, that it would be a means of preserving tranquillity, expediency might be admitted to justify the measure; but, till this can be made evident, such an act must be regarded, by all enlightened politicians of the nineteenth century, as a criminal innovation upon the freedom of conscience, and a portentous usurpation of the right of private judgement.

Their self-denial, &c.

Itinerant lay preachers sacrifice many of the comforts of life, and endure great mortification, in quitting a comfortable home, walking many miles, partaking of no other repast than what they carry with them, and, after preaching to a few villagers, returning home almost exhausted, by the toils of the journey, their publick exercises, and, sometimes, the inclemency of the weather; yet, all

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without emolument, but not always without enduring some species of persecution.

Prove they act from conscience.

Let us candidly investigate these circumstances; and then decide, whether there appears to be any adequate stimulus to these exertions, exclusive of the dictates of conscience; and, whether any thing but the most disinterested love for the souls of men, would induce itinerant preachers to persevere in this course of self-denial. Now, uniting these two sentiments, that the suppression of lay preaching is not necessary to the tranquillity of the state, and, that these men, who are engaged in the work of itinerant preaching, are governed by the dictates of conscience, we are immediately presented with the inference, that, to refuse to license persons of this description, would be an unprovoked act of persecution: and, its consequences would not terminate

Their suppression would be an act of injustice.

terminate in the individuals who were silenced, but would extend to all who were in the habit of attending upon their ministrations. By an act of this description, many thousands of peaceable, loyal subjects would be deprived of those privileges, which they esteem more valuable than life.

A Christian minister must persevere in the discharge of his duty, whatever be the peril.

It may be further observed, that ministers of the Gospel are bound, from the nature of their undertaking, to persevere in the faithful discharge of their duty, whatever be the consequences to themselves. The subjects of their charge are invaluable. Who can estimate the value of a human soul? It is an immortal being, destined to exist in a state of happiness or misery, through duration without end. Here all comparison would shrink into meanness, and obscure the dignity of the sentiment it was intended

The subjects of his charge are invaluable.

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to illustrate. The salvation of these immortal beings, is the object of the Gospel message; and he, who undertakes the important office of a Christian minister, becomes responsible to the great Head of the Church, for the manner in which he discharges its duties. Wo to that man, whose temporizing conduct leads astray the people of his charge! Wo to that man, *whose cowardice in religion* seals his lips in silence, when the civil ruler commands him to desist from preaching! Wo to that man, who subscribes himself a minister of the everlasting Gospel, but, like the hireling shepherd, abandons his charge upon the approach of the grim monster persecution!

The duties of his office absolute.

The duties of a call to preach the Gospel are absolute in their nature; and God will enter into a strict and solemn inquiry with every individual, how those duties

Illustrated by the declaration of God to Ezekiel.

duties have been performed: See Ezekiel iii. 17—21. "Son of man, I have made thee "a watchman unto the house of Israel; "therefore, hear the word at my mouth, "and give them warning from me. "When I say unto the wicked, thou "shalt surely die, and thou givest him "not warning, nor speakest to warn "the wicked from his wicked way, to "save his life, the same wicked man "shall die in his iniquity, but his blood "will I require at thine hand. Yet, if "thou warn the wicked, and he turn "not from his wickedness, nor from his "wicked way, he shall die in his ini-"quity; but thou hast delivered thy "soul. Again; when a righteous man "doth turn from his righteousness, and "commit iniquity, and I lay a stumbling-"block before him, he shall die; because "thou hast not given him warning, he shall

"die

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" die in his sin, and his righteousness, " which he hath done, shall not be remem- " bered; but his blood will I require at " thine hand. Nevertheless, if thou warn " the righteous man, that the righteous sin " not, and he doth not sin, he shall surely " live, because he is warned; also thou " hast delivered thy soul." Such were the tremendous obligations of an ancient prophet, to be faithful in communicating the message of Jehovah to the people of Israel; and, if possible, a higher degree of responsibility attaches to every man, who lays his hand to the Gospel plough. Hence we infer, that no earthly power can abrogate our obligations to be faithful in the discharge of ministerial duties. When the decree of Darius interdicted petitions to God and man for thirty days[1], Daniel

No human power can absolve ministers from their obligations to be faithful.

(1) Daniel vi. 7.

Inflexible perseverance always honoured by God.

Daniel presumed to break the decree, rather than violate the dictates of his conscience; and God testified his approbation of the prophet's inflexible constancy in the practice of religious duties, by granting him an eminent deliverance from death, by exciting the king to confer upon him a large increase of temporal honour, and by imparting to him special discoveries of future events, down to the advent of the Messiah. And, if Daniel, who had no other charge than his own soul, did not dare to abandon the practice of daily prayer to God, although death was pronounced, by the irreversible laws of the Medes and Persians, as the certain consequence of disobedience; where is the pastor of a church, who would venture to abandon his people, or an itinerant preacher, who would desist from promulgating

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mulgating the Gospel, if the civil power were to command them to be silent? Such an abandonment of acknowledged duty would amount to an act of renunciation of their allegiance to Jesus Christ, and of confederation with his enemies. "He that is not with me, is against me; "and he that gathereth not with me, "scattereth abroad[1];" is the infallible testimony of Him, whom we worship, as "over all, God blessed for evermore."

Prospect of death should excite to perseverance.

Let us, then, for a moment, quit the present scene, look into futurity, anticipate the revolution of fifty years, and we instal our children, or, perhaps, a third generation, in those departments of life that we now occupy. And, surely, while we anticipate the speedy revolution of one half century, while we reflect

(1) Matt. xii. 30.

flect upon the high probability, that ere this given period arrives, we shall all be reduced to dust and ashes, every minister of the Gospel must feel an ardent desire to be received, at the close of life, with that exhilarating encomium of his Divine Master: Well done, good and faithful "servant;" "enter thou into the joy of "thy Lord[2]." But tremendous is the gloom which gathers over the last hours of that man, who has betrayed his ministerial trust, to avoid a temporary penalty, whether of property, liberty, or life.

Prospect of judgement a stimulus to fidelity.

When the inhabitants of earth have numbered a few more returning summers, the revolutionary periods of time shall cease for ever. An angel shall descend from heaven, and shall set his right foot upon the sea, and his left foot upon

(2) Matt. xxv. 23.

Essay IV. upon the earth, and shall swear by Him that liveth for ever and ever, there shall be time no longer[1]. And, to corroborate this testimony of the Apocalypse, we read, 1 Thess. iv. 16. "The Lord him-"self shall descend from heaven, with "a shout, with the voice of the arch-"angel, and with the trump of God, "and the dead in Christ shall rise first." All nations shall be assembled at his tribunal: Adam, the universal parent of our species, and all his posterity, whether of noble or of plebeian blood; those, whose mighty achievements have filled the world with astonishment; and all the countless millions of the human race, who have lived in privacy, and crept to their bed of earth unnoticed; all will be present on that day of trial; none will appear

(1) Rev. x. 5, 6.

appear too insignificant to be deemed accountable, nor any too dignified to stand arraigned at the tribunal of Jesus Jehovah. In that eventful day, he will reward faithful ministers with the richest blessings of his heavenly kingdom: that day will verify the declaration of Scripture; "They that be wise, shall shine "as the brightness of the firmament; "and they that turn many to righte- "ousness, as the stars for ever and "ever[2]." But the Redeemer will disown those who have acted a dastardly part, by abandoning the post of their ministerial duty, when it became a station of danger. In vain, then, will they say, "We have eaten and drunk in thy pre- "sence, and thou hast taught in our "streets[3];" "and, in thy name we have "cast

The portion of the unfaithful minister.

(2) Daniel xii. 3. (3) Luke xiii. 26.

ESSAY IV. "cast out devils;" for he will profess unto them, "I know you not, whence "ye are[1]." Hence, also, he saith, "Whosoever, therefore, shall confess me "before men, him will I also confess "before my Father which is in heaven[2]."

Reward of the persevering and diligent.

How desirable and excellent are the rewards annexed to a zealous and faithful profession of our attachment to Jesus Christ! That day is at hand, when the scoffer, the blasphemer, and the persecutor, shall tremble and be dismayed; but faithful ministers of the Gospel will then be honoured and caressed, as friends of God, and favourites of the Redeemer. Then shall "the righteous "appear more excellent than his neigh-"bour;" and then shall it be made manifest, that "the path of the just is as "the

(1) Luke xiii. 27. (2) Matt. x. 32.

"the shining light, that shineth more "and more unto the perfect day[3]." Surely, these are considerations, calculated to fire the hearts of ministers with love to God, and zeal for the souls of men; to make them bold in the cause in which they have embarked; and indefatigable in their exertions, to disseminate the truths of the Gospel.

The circumstances of the present crisis require extraordinary exertions.

These exertions will appear peculiarly necessary, if we look, with a philosophick eye, upon the present aspect of religion and politicks. The current of professed infidelity widens, and deepens, as time advances. The eighteenth century was productive of more infidels than any preceding equivalent number of years: yet we find, that men of genuine piety also greatly increase in number. A spirit of investi-

Infidels.

(3) Prov. iv. 18.

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Spirit of inquiry.

investigation and free inquiry generally prevails, which renders it necessary for every one to act a decided part: and, surely, the duties of decision, firmness, and constancy, devolve upon all who preach the Gospel, with more than ordinary claims.

Important political events.

Great events are, every year, opening upon us; events, which appear to be but a prelude to others of far greater magnitude; to others, which shall wind up the transactions of six thousand years, and usher in the glorious millennium. Hence, we are led to expect, that the conflicting powers of light and darkness will redouble their energies, and strive for the mastery with unprecedented vigour. Hence, also, we are led to conclude, that the steady, energetick, and courageous discharge of ministerial duties, is peculiarly necessary in the present crisis, and highly

highly important, in the influence it sheds upon the general interests of mankind. Ministers of the Gospel should be eminently "followers of them who, through "faith and patience, inherit the pro-"mises[1];" of the glorious army of martyrs, who sealed the truth with their blood, and heroically triumphed amidst the flames; of the two thousand venerable ejected ministers, who submitted to be expelled from the pulpits of the episcopal church, rather than conform to those rites, ceremonies, and practices, which they considered sinful, though enjoined by the legislature.

Persecution ought not to induce ministers to abandon their cause.

Here a question may arise: What line of conduct conscientious ministers ought to pursue, if laws were to be enacted, forbidding, either all dissenting ministers

(1) Heb. vi. 12.

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ministers to preach, or only lay preachers; or, forbidding to preach in an unlicensed place; and, at the same time, refusing to license persons and places, except under such security as the property of the parties would not meet, or under limitations to which their consciences could not accede. What has been advanced ought to outweigh every consideration of temporal interest; and, if the evil genius of persecution were to appear again, I pray God that we might all be faithful to Him, who hath called us to preach the Gospel. Under such circumstances, let us continue to preach: if fined, let us pay the penalty, and persevere in preaching: and, when unable to pay the fine, or deeming it impolitick so to do, let us submit to go quietly to prison, but with the resolution still to preach upon the first oppor-

They should continue inflexible in the discharge of their duty.

opportunity, and, if possible, to collect a church, even within the precincts of the gaol. He, who, by these zealous exertions, becomes the honoured instrument of converting one sinner unto God, will find that single seal to his ministerial labours, an ample compensation for all his sufferings. In this manner, the venerable Apostle of the Gentiles both avowed and proved his sincere attachment to the cause in which he had embarked: "The Holy Ghost witnesseth "in every city, that bonds and afflictions "abide me: But none of these things move "me; neither count I my life dear unto "myself, so that I might finish my course "with joy, and the ministry which I "have received of the Lord Jesus, to "testify the Gospel of the grace of "God[1]."

Paul's constancy.

In

(1) Acts xx. 23, 24.

ESSAY IV.

Conduct of the first preachers of the Gospel.

In the early ages of Christianity, martyrdom was considered an eminent honour; and many of the primitive Christians thrust themselves upon the notice of their heathen persecutors, that they might be brought to suffer in the cause of that Redeemer, whom they ardently loved. In the present day, Christians in general incline to estimate such rash ardour as a species of enthusiasm, and feel no disposition to court the horrors of persecution; yet, if such dark and tremendous days were to return in this age of the world, ministers should retain their stations; they should be true to their charge; they should continue their ministrations, each man in his sphere, shining with all the lustre of genuine godliness, to dispel the gloom in which the nation would then be enveloped. If this line of conduct were to be adopted, and acted upon with decision, the

cause

cause of piety, of nonconformity, and of itinerant preaching, must eventually triumph. All the gaols in the country would speedily be filled: those houses of correction, which were erected for the chastisement of the vicious in the community, would be replenished with thousands of the most pious, active, and useful men in the kingdom, whose characters are held in general esteem. But, the ultimate result of such despotick proceedings is beyond the ken of human prescience:—probably, appeals to the publick and the legislature would teem from the press, and, under such circumstances, might diffuse a revolutionary spirit throughout the country.

Propriety of limiting the privileges of licenses.

IV. We are now to consider the propriety of limiting the privileges annexed to licenses, to those persons who are exclusively engaged in the ministry.

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Object for which these privileges were granted at first.

The design of the legislative body in sixteen hundred and eighty-nine, in granting exemptions to licensed dissenting ministers, "from serving upon "any jury, or from being chosen or ap- "pointed to bear the office of church- "warden, overseer of the poor, or any "other parochial or ward office, or other "office, in any hundred of any shire, "city, town, parish, division, or wapen- "take[1]," was to ease such persons of the disagreeable necessity of fulfilling some duties in civil life, which would expose their persons to insult, degrade them in the opinion of the populace, and greatly encroach upon their regular ministerial engagements: also, to free them from the claims of military duties, which are totally incompatible with the nature of their

(1) See Toleration Act.

their office, and the sanctity of the ministerial character.

The duties of the ordained minister's office incompatible with those of the constable's.

This provision appears to be an act of enlightened policy, which anticipated the numerous evils that would unavoidably arise out of an opposite measure. If a dissenting minister were liable to the duties of parochial offices, he must, sometimes, endure the company of the most abandoned of mankind; in other cases, he must encounter the violence of a riotous mob, or fulfil the painful task of conveying a drunken man, or a felon, to some place of durance: and, as the claims of the law are paramount to every other duty, his congregation might be kept in a state of inactivity and suspense, if any of these circumstances should occur at the time appointed for publick worship. Neither is it improbable, that bad men would frequently project

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project occasions to prevent him from the regular discharge of his ministerial duties.

Also with the duties of church-warden.

Again, as to the highest situation of parochial trust, every man must perceive, that it would be a scene too ludicrous to be endured, to behold the minister of the Meeting-house fulfilling the duties of his official situation as church-warden; or,

Also with militia duties.

to proceed further in the comparison, surely it would severely harrow up the feelings of all good men, to see a respectable dissenting minister compelled to quit the people of his charge, and join the ranks of a militia regiment: yet all these cases might occur, if the minister and the people were too poor to provide substitutes.

Unable also to provide substitutes.

Dissenting ministers are, in many places, very incompetently rewarded for their services: they have forsaken their secular

secular business, to give themselves up to the work of the ministry, and, not being possessed of independent fortunes, they must subsist upon the salary arising from their office: and, to the shame of many congregations, it must be acknowledged, that their ministers are kept in a state of indigence, from their early to their latest years; and, consequently, they would be unable to provide a substitute to meet either military or parochial claims.

Their publick services merit exemption.

But, whether a dissenting minister be in indigent or opulent circumstances, such exemptions are merited by his publick services: few classes in society labour with more unremitted assiduity: many ministers preach five, six, or seven times every week; visit their hearers frequently; are connected with numerous charitable institutions; have to super-

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superintend the internal government of their churches; to study their sermons in private; with various other publick and ordinary duties. The exertions of the tradesman, the merchant, and the artist, are entirely directed to their own emolument; but those of the minister are for the benefit of others: yet, while he receives an inconsiderable stipend, that is scarcely sufficient for the subsistence of his family, men, who do not possess one tenth part of his talents, but are placed in other departments of civil life, can accumulate competent fortunes for their children.

Inference from the whole.

Therefore, uniting these three propositions; That the duties of civil and military offices are incompatible with the duties of the ministerial office; That a large number of dissenting ministers are unable to provide substitutes; and, That

That their disinterested publick services present an equitable claim for exemption; we must draw the conclusion, that the provision now allowed by the Toleration Act is both just to the individual, and politick for the state.

Itinerant preachers have no just claim to exemptions.

But this equitable exemption should be guarded from abuse. Most of the circumstances, which are adduced in favour of exempting those persons who are exclusively engaged in the ministry, have no application to preachers, who transact secular business. The publick does not attach any peculiar sanctity to their character; and, consequently, were they to be seen fulfilling some disagreeable duty connected with a parochial office, they would not experience a diminution of any part of that respect, which their friends or neighbours commonly express. They have not, in general,

standing

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Itinerant preacher's character does not require exemption.

standing engagements; and though, sometimes, a circumstance might occur, to prevent their fulfilling an engagement to preach, perhaps those circumstances would occur scarcely more frequently than sudden indisposition, and particularly as evil-disposed persons could not concert such hindrances; because an itinerant preacher's engagements are neither regular nor local. His ability, also, to provide substitutes, is equal to that of his neighbours: he depends upon his secular calling, to provide means of support for himself and family: and, to the same source he should look for provision against those taxes which the law imposes, whether they require personal duty, or pecuniary contributions. Neither will the plea of his publick services avail, since these are very precarious. Some persons, who preach occasionally, do not engage

Derives his support from business.

His services only occasional.

engage more than once, in two, three, or four months; while others preach almost every Lord's day. From these, and various other considerations, which will immediately occur to the Reader, the propriety of limiting the exemptions attached to licenses, to those who are exclusively engaged in the ministry, will be evident.

Probable abuses of unlimited exemption.

Let us now turn from comparing the claims of regular and occasional preachers, to investigate the probable consequences of allowing exemptions to every one who obtains a license. Would it not present an almost irresistible temptation to men of lax principles, to obtain this kind of protection from the expense of providing substitutes, or the more distressing case of being necessitated to serve in person? And, when the nature of the evasion became generally understood,

is

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is it not probable, that a very considerable number of unprincipled persons would avail themselves of the privilege, to defraud the community of their services; and thus, ultimately, men of integrity would become the sufferers? in which case, the character of a preacher would be generally execrated, and religion incur a very serious odium, through the indefinite grant of a privilege, which is the equitable right of a certain class in the community.

Proposition to remedy the evil.

To qualify this evil, it has been suggested, "That, to assure his Majesty, "by respectful addresses to the throne, "that the different classes of separa- "tists will exclude from their societies "every person who shall be guilty of "evading the common duties of a subject, "by a flagrant abuse of the Act of Tole- "ration, might satisfy government, that "no

"no such abuses are sanctioned by them; "and induce the legislature to reject "restrictions, which must operate as "punishments upon those, who are not "guilty[1]."

Objections.

But this proposal does not appear to meet the case: the question is not, whether persons, in communion with any dissenting congregation, are guilty of these abuses, but, whether the law, in an undefined state, may not be perverted to such purposes, by many hundred persons, who never were united to any congregation of Dissenters. And, again, it is worthy of notice, that if any person in communion with a dissenting church was detected in a fraud of this description, the act of excluding him from their communion would neither deprive

(1) See Evangelical Magazine for 1809, p. 481.

Essay IV. deprive him of the benefit he had obtained by his chicanery, nor expose him to any other penalty.

Second proposition. It has been judiciously observed, in a popular dissenting publication: "If the "distinction between protection and pri- "vilege be duly observed, there will be no "great difficulty in avoiding the abuse of "toleration, and, at the same time, pre- "serving the Act of Toleration inviolate. "Let all preachers be protected in "their religious exercises, from injury "and insult; but, let the exemptions "be made, 1st, in behalf of stated "ministers; 2dly, of those who "have been such, but are now dis- "abled; 3dly, of students, who are "preparing for the work of the mi- "nistry[1]."

These

(1) See Evan. Mag. 1809. p. 378.

These limitations appear to include all who have an equitable claim for privilege, arising from a license to preach: but, if the legislature be disposed to grant the same indulgence to all who are engaged in the work of preaching the Gospel, provided the law be not abused, to the purposes already stated, perhaps the best means of meeting both difficulties would be, to require every man, who claims exemption under the sanction of his license, *to produce a certificate, signed by three of the acting men of that place, or of those places, where he has officiated, of his having preached, at least twelve times within the last twelve months.* This would not meet the case of disabled ministers; but, generally, those circumstances, which disable a man from preaching, would be admitted as a natural disqualification for office.

Third proposition.

Thus

ESSAY IV. Thus the perversion of the law might be prevented, and its privileges be extended to all who obtain licenses from disinterested motives.

Essay V.

ON THE LIBERTY OF THE PRESS.

Τοὐλεύθερον δ' ἐκεῖνο, εἴ τις θέλει πόλει
Χρηστόν τι βούλευμ' εἰς μέσον φέρειν, ἔχων.
Euripides.

Essay V. Introductory Remarks.

The name of Sir William Blackstone is an authority of great weight, in questions upon English law. Whether he did not, however, in some instances, accommodate his opinion, upon the political transactions of the day in which he lived, to the views and designs of the court; and, with a degree of pusillanimity, equally unworthy of his eminent

s station,

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station, and of his general character as a lawyer, depart from the rigid principles of equity, to sanction a corrupt ministry in their attempts at innovation upon the liberty of the subject, may be considered highly problematical[1]. But, even if the fact of his temporizing be admitted, the authority of his Commentaries upon the Laws of England must remain unimpeached. The radical principles of many laws are ascertained with precision; the general boundaries of liberty among the people, and prerogative in the sovereign power, are accurately delineated; and the complex nature of the legislative body, with the specifick rights of each department, are perspicuously explained. Hence it may be fairly inferred, that this work ranks among the best concise systems

Blackstone's character.

(1) See Junius's Letters, No. 27.

systems of English law; and, perhaps, is the most correct epitome of the British Constitution. With an extract from this learned author, I shall preface the following sections of this Essay.

His observations on the liberty of the press.

" The liberty of the press is, indeed, " essential to the nature of a free state; " but this consists in laying no *previous* " restraints upon publications, and not " in freedom from censure for criminal " matter when published. Every free- " man has an undoubted right to lay " what sentiments he pleases before the " publick; to forbid this, is to destroy " the freedom of the press; but, if he " publishes what is improper, mischie- " vous, or illegal, he must take the " consequence of his own temerity.

A licensed press disapproved by him.

" To subject the press to the restrictive " power of a licenser, as was formerly " done, both before and since the Revo-

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" lution, is to subject all freedom of
" sentiment to the prejudices of one
" man, and make him the arbitrary and
" infallible judge of all controverted
" points, in learning, religion, and govern-
" ment. But to punish (as the law does
" at present) any dangerous or offensive
" writings, which, when published, shall,
" on a fair and impartial trial, be ad-
" judged of a pernicious tendency, is
" necessary for the preservation of peace
" and good order, of government and
" religion, the only solid foundations of
" civil liberty. Thus the will of indivi-
" duals is still left free; the abuse, only,
" of that free will, is the object of legal
" punishment. Neither is any restraint,
" hereby, laid upon freedom of thought
" or inquiry: liberty of private sentiment
" is still left: the disseminating or
" making publick of bad sentiments
" destruc-

Freedom of the press to be distinguished from the abuse of it.

" destructive of the ends of society is the
" crime which society corrects. A man
" (says a fine writer on this subject) may
" be allowed to keep poisons in his closet,
" but not publickly to vend them as
" cordials. And to this we may add,
" that the only plausible argument hereto-
" fore used, for the restraining the just
" freedom of the press, 'That it was
" necessary to prevent the daily abuse of
" it,' will entirely lose its force, when it
" is shewn (by a seasonable exertion of
" the laws) that the press cannot be
" abused to any bad purpose, without
" incurring a suitable punishment:
" whereas, it never can be used to a good
" one, when under the control of an
" inspector. So true will it be found,
" that to censure the licentiousness, is to
" maintain the liberty of the press [1]."

In

(1) See Blackstone's Commentaries, Book IV. chap. 11.

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General divisions of the Essay.

In pursuing this subject, we shall investigate—The general uses of the liberty of the press:—The abuses to which a free press is liable:—The boundaries, by which its licentiousness should be restrained:—The equity of trial and sentence by jury, in prosecutions for libel:—and the particular influence of the liberty of the press in promoting the cause of true religion.

Uses of a free press.

SECTION I.

On the general uses of the liberty of the Press.

From that splendid period in which Christianity ascended the throne of the Roman Empire, in the person of Constantine the Great, the purity of primitive doctrine, and the simplicity of primitive worship, as well as the general piety of the ministers of religion, gradually declined, till they became entirely immersed

mersed in ignorance, superstition, and profligacy.

Illustrated in the history of Christianity.

This awful decline of true religion in the world carried with it almost every vestige of civil liberty, of classical literature, and of scientifick knowledge; and, it will be generally found in experience, that they must all stand or fall together. Encroachments upon religious liberty gradually increased, till even the name of liberty of conscience was exploded, and the doctrine of implicit faith in the decrees of the church universally inculcated. At this period, science, literature, and civil liberty, lay buried in the grave of piety; and, as they all sickened and died together, their revivification has been both analogous and cotemporary.

The restoration of learning.

Among the most considerable means of restoring these inestimable blessings to

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to society, we must include the art of Printing, and that degree of liberty, which has been allowed in the use of the press. Liberty of the press disseminates knowledge; and, when knowledge is widely diffused, it is a vain act of presumption, to attempt to retain men in abject, civil subjection; and equally absurd, to require their assent to propositions in religion, which neither their understandings nor consciences can approve. But, if the articles of faith, to which our assent is required, be of Divine origin, they will appear to advantage, in consequence of the general extension of knowledge: and, should the political principles of that constitution, which we are required to recognize as our own, be well constructed, and brought to act in unison, our attachment to it, as the source of our social happiness, and our admiration

Liberty of the press propagates knowledge.

admiration of it, as a philosophical system, will daily increase, as new light is admitted into our understandings.

Improves men's understanding.

Another benefit that accrues to society from the liberty of the press, appears in the degree of intellectual improvement, that will invariably be found to result from this property of a free constitution. The intelligence that it communicates, and the consequent degree of intellectual improvement which men derive from its communications, are not confined to the elevated ranks in society, but extend to every class in the community.

Illustrated from those nations that have restricted the press.

We have need only to contrast the servile character of the French and Spanish nations, under their ancient, despotick governments, with the general patriotism of the English nation, and we have an impressive illustration of the uses of a free press. Let us carry on the

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the comparison; and let France, Spain, Italy, and every other nation on the continent of Europe, under a despotick government, produce a list of the worthies, who have appeared among them, in any of the departments of literature and science, from the different periods when the free publication of sentiment was prohibited in those countries: let them detail the discoveries which have been gained, or shew the advances that have been made by the body of the people toward civilization of manners, ease in pecuniary circumstances, or felicity in domestick and social life, and they will appear infinitely deficient of those attainments which distinguish their free neighbours in England and the United Provinces. Let an impartial observer investigate the state of literature in the English, Scotch, and Dutch

Compared with those that have not.

Dutch Universities, and the general dissemination of knowledge among the people: let him contemplate the associations that are formed, to cultivate the liberal arts; the encouragement that is awarded to scientifick discoveries; and the degree of information upon general subjects, which is diffused throughout these countries: and a conviction of the tendency of a free press to cultivate the intellectual powers of all classes in society, will deeply penetrate his breast, and produce a frank testimony of its utility.

Free press aids the discovery of truth.

Liberty in declaring our sentiments naturally promotes free discussion; and free discussion inevitably tends to the developement of truth. This may occasion some innovations upon the political system; but they will strengthen, rather than demolish, the edifice of the Constitution.

stitution. If its weaknesses be detected, that circumstance will present an occasion to wise men, for supplying those defects, by principles of an indestructible quality. Thus the great political fabrick would receive constant accessions of beauty and strength, till it was rendered proof against all the hotile attacks of faction. By free discussion, the necessary boundaries of liberty are ascertained, and our obligations to obedience become generally understood. These discoveries will not only lead every man to advance a claim for that degree of liberty, to which he is equitably entitled, but they will also deepen in the mind a conviction of the duty we owe to governors, and render a large majority of persons in the nation obedient from principle.

Ascertains the boundaries of liberty.

Had the English, as a nation, been as illiterate, at the period when Paine's Rights

Illustrated from English history at the time Paine's Rights of Man appeared.

Rights of Man appeared among them, as the French were prior to the destruction of the Bastile, probability seems to favour the conjecture, that Thomas Paine, and a few of his revolutionary coadjutors, would have involved this country in similar miseries to those, which the chicanery of the Parisian Jacobinical Club brought upon our devoted neighbours[1]. In England, revolutionary principles were investigated by a people accustomed to the exercise of reason; and, hence, while many considered a reform expedient, the majority reprobated the most distant allusion to a subversion of the government. But in France, the servile condition of the people, the despotism of the monarchical power, the restraint which was laid upon

Also, in the history of France, at the Revolution.

(1) See Note XXVII.

upon publick discussion, the prohibition of all books which were not sanctioned by the authority of the cabinet of St. Cloud, all concurred to facilitate the designs of the democratical party, and to render the subversion of their ancient government fatal to all classes of the community. Hence we infer, that, by granting the free exercise of the press, the reasoning powers of men will be cultivated, and thus the publick mind will be fortified against the insidious attacks of sophistical politicians. The free enjoyment of all constitutional privileges will engage the affections of the people on behalf of the government, and insure their steady allegiance to the executive department, in its administration of the laws.

Free press interests the people in political transactions.

A free press is the grand medium of circulating throughout the country a know-

knowledge of the condition of the political department, and of presenting to the nation an impartial statement of all occurrences that have a political tendency. By these means, every man is excited to feel a personal interest in the transactions of government, to investigate the leading circumstances of every important event, and to form his own judgement of the principle actors. Thus, by communicating to the nation a knowledge of political transactions, through the medium of an unrestricted press, publick men are restrained, by the dread of disclosure, from some of those atrocities, which many would commit, if they were sure no "babbling tongue would "ever tell the deed," or no prying eye ever trace it out.

Publick are thereby made the grand tribunal.

By the freedom of the press, the publick are constituted a tribunal, to which

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which we may appeal, as a last resort upon the merits of any case: and of all others, this is decisively the most impartial. Dr. Reid, in laying down the preliminaries upon which he intended to erect his metaphysical structure, considers the common sense of mankind to be a foundation, which would, of all others, best resist the undermining efforts of sceptical philosophers. And, in politicks, we cannot reject the principle, without grossly insulting the understandings of the majority of persons in the community. Whether it be a question, therefore, upon the constitution, or an investigation of the manner in which some departments in the state are filled, or an appeal from the decision of our courts of judicature, if all circumstances be laid before the publick, we must consider them to be the most impartial umpire upon

Equity of this.

upon the case; since reason dictates the sentiment, that the common sense of the nation is seldom erroneous.

Right of petitioning intimately connected with a free press.

In coincidence with this principle, the law allows to the people the right of petitioning his Majesty or the Parliament, for the institution of an inquiry into any abuses, which they believe to exist in the executive departments of the state[1]: and the people have, upon many occasions, exercised this right, when nefarious transactions have been brought to light, or acts of publick injustice sanctioned by connivance.

Having thus, briefly, descanted upon some of the uses of the liberty of the press, it is necessary to observe, that its particular influence upon religion has been designedly kept in the back ground; as

(1) See Note XXVIII.

as the importance of that subject, and its more immediate connexion with the object of this essay, render it worthy of a distinct section, to which all preceding remarks ought to be little more than an extensive introduction.

SECTION II.

Abuses of a free press.

On the abuses to which a free Press is liable.

Profaneness thereby propagated.

One gross abuse of liberty, in freely publishing our sentiments to the world, is, the profanation of the Divine character, by denying some of the perfections of the Godhead; by attributing to him other properties, which his revealed will denies that he possesses; and, by the sacrilegious application of his "Holy and Reverend" name, to vicious, or even ordinary subjects.

Infidelity disseminated.

In close connexion with this description of the abuse of liberty, is the incul-

inculcation of infidel principles, which teach us to renounce the doctrines and precepts of Scripture; to reject, as spurious, that revelation which God has given of his will; and to trust the light of human reason to guide us to eternal happiness. But, while these are crimes of enormous magnitude in the estimation of God, for which he will bring these impious transgressors into judgement, they are not proper subjects of the magistrate's coercion; they do not disturb the peace of the state; and, therefore, the publication of them cannot fall within his jurisdiction, as conservator of the publick peace.

Perversion of Scripture doctrines.

Others, who believe the Scriptures to be authentick, pervert its doctrines, and subscribe, in their own communities, to creeds the most grossly heterodox. Yet, if these persons publish their sentiments

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to the world, it would be a serious encroachment upon liberty of conscience, and of the press, to prohibit such works. Let the Jew vindicate his faith in the Mosaick economy, and his rejection of the Christian scheme; it may excite controversy, but the result will be favourable to the cause of truth. Let Roman Catholicks publish their sentiments in the most unqualified form; we have nothing to fear from their printed arguments. The cautions, which Protestant states should observe, in relation to this religious body, are grounded upon the presumptive influence of those principles, which are verbally inculcated. If the doctrines of the Romish church be stated and defended in print, they are in a tangible form, and may be refuted by champions of the Protestant cause; and, thus, an abuse of the press, by disseminating

seminating a distorted view of Scripture truths, may ultimately turn out "to the "furtherance of the (pure) Gospel[1]." Let the press be open to all classes of religious denominations, except those, whose principles directly militate against the tranquillity of the state; and truth will eventually prevail.

Dissemination of corrupt politicks.

The propagation of corrupt politicks is another abuse of the liberty of the press. But even this description of abuse is better counteracted by argument, than by prosecutions, fines, imprisonment, and similar kinds of correction. If one man were to publish a specious defence of democracy, and another were to argue the numerous benefits that would result from absolute monarchy, we need not doubt, that many persons, of equal ability, would appear

(1) Phil. i. 12.

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Ultimately turns to a good end.

appear in defence of our present mixed form of government. By such controversy, the superior excellence of the British Constitution, over pure monarchy, aristocracy, or republicanism, would be placed in a luminous point of view: and although many absurd systems might be projected, folly would speedily sink into obscurity, or stand confounded in the blaze of truth. Yet, when such political publications assume a seditious aspect, the security of the state renders their suppression highly expedient.

Vice and immorality encouraged.

The extenuation of vice is, perhaps, of every kind of perversion of a free press, least regarded as a publick evil; although its effects are more widely diffused than any preceding description of abuse. If we consider the extensive circulation of plays, novels, and romances; the impure principles that are incul-

inculcated in most of them; and their tendency to corrupt the youth of the community; surely every virtuous man will shed a tear over the abuses of that liberty, which, as a general principle, reason and conscience enjoin him to vindicate. Books of this description convey destructive principles into the mind, under the most insidious form; yet, when they do not palpably introduce obscenity, nor in direct terms sanction vice, the law cannot annex penalties to their subtle efforts, to extenuate in the publick mind a sense of the evils of profligacy. Here, as in the preceding cases, the press is open to the exertions of good men, who, by a judicious application of their talents, to counteract the prevailing errors of the times, may enlist many under the banners of virtue and piety, and thus make a noble

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noble stand against the advocates of infidelity, and all the hosts of the flagitiously immoral.

Abuses of a free press counterbalanced by its benefits.

The freedom of the press, like the fertilizing inundations of the Nile, may appear, to a superficial observer, to portend universal devastation and ruin; but history corrects this opinion, from positive facts; and revelation also testifies, that it is "The *dark* places of the "earth," which "are full of the habi-"tations of cruelty[1]." Egypt would be a barren desart, without the periodical overflow of her celebrated river; and the impiety, superstition, and cruelty, of the dark ages of the Christian church, prove, that the suppression of free discussion tends more to the privation of moral rectitude, than the most unrestricted licentiousness of a free press.

In

(1) Psalm lxxiv. 20.

In these desultory observations upon the abuses of the liberty in question, our attention has been confined to those particulars, which do not come within the legal jurisdiction of the civil power. Those abuses, which subvert the ends of government, and disturb the peace of society, will be the subject of investigation in the following section.

SECTION III.

On the boundaries by which the licentiousness of a free Press should be restrained.

Restraints to the abuse of a free press.

Those abuses of a free press, which should be subject to the cognizance of the civil power, are comprehended under three classes; viz. Sedition—Libels—and The inculcation of vice.

First: Sedition.

On Sedition, as distinguished from free discussion.

Every man should be at liberty to suggest improvements in any particular law,

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law, or even in the Constitution. As every code of laws, which has been published to the world in ancient or modern times, is chargeable with imperfections, and, as perfection is not a property of human productions, nor infallibility a quality to which the wisest of men will venture to pretend, it is sound policy, in the legislature of a free country, to permit every member of the community to investigate the fundamental principles of government, and to inquire into the manner in which its executive departments are filled. If the constitutional principles of the government be founded upon truth and equity, they will gain by the experiment; and, if there be defects in its formation, reason dictates, that those, who are entrusted with the legislation, should repair those defects, whenever the penetration

tration of any member of the community has pointed out adequate means.

Free discussion the cause of national prosperity.

By free inquiry, and the free communication of sentiment, Britain has attained her present eminence, in Arts, Science, and Civil liberty. By the same description of independence, Greece and Rome acquired their pre-eminence among ancient nations; and England could no longer be denominated a free country, if laws were enacted to impose restraint upon any intellectual productions, addressed with candour and modesty to the understandings of mankind.

How political discussions should be conducted.

Propositions for reform, or statements of any detection of vulnerable parts in the Constitution, should be conveyed in terms calculated to enlighten the understandings of men, but not to excite turbulence in the publick mind. This line of

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of conduct would obviate the two great objections, which those, who are enemies to all kinds of innovation, generally oppose to every proposition for reform. It is judiciously observed, by an eloquent writer on this subject: "If the people "be tranquil and composed, and have "not caught the passion for reform, it "is impolitick, say the ministry, to "disturb their minds, by agitating a "question that lies at rest. If they are "awakened, and touched with a con-"viction of the abuse, we must wait, "say they, till the ferment subsides, "and not lessen our dignity by seeming "to yield to popular clamour. If we "are at peace, and commerce flourishes, "it is concluded we cannot need any "improvement in circumstances so pro-"sperous and happy. If, on the other "hand, we are at war, and our affairs "unfor-

Observations on this subject by the Rev. R. Hall, A.M.

" unfortunate, an amendment in the re-
" presentation is dreaded, as it would
" seem an acknowledgement, that our
" calamities flowed from the ill conduct
" of Parliament. Now, as the nation
" must always be in one or other of these
" situations, the conclusion is, the pe-
" riod of reform can never arrive at
" all[1]." But, let proposed amendments in law, or projects for reform in Parliament, or the assertion of the natural rights of liberty of conscience and of private judgement, be conveyed, in terms nervous and explicit, to enlighten the understanding, yet modest and respectful, to avoid exciting the irritability of the publick mind; and governors will be less averse to reform, while the writer will be secured from the slightest imputation of sedition.

The

(1) See Hall's Liberty of the Press.

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Motives of political writers discovered in their spirit.

The motive of an author, in the discussion of political questions, is commonly expressed by the modesty or virulence of his language; and, if an impeachment for seditious libelling be exhibited against him, this distinction will greatly assist the jury, in fixing or removing the charge. The seditious tendency of many books does not arise so immediately out of the principles they maintain, as from the declamatory style and acrimonious spirit in which they are written: these are the properties which render some publications so peculiarly mischievous, while they neither elucidate truth by historical facts, nor prove their propositions by logical deduction.

Factious confederacy a proof of sedition.

Another prominent feature of sedition is, a factious confederacy. The machinations of the Jacobinical clubs in France,

France, and the virulent invectives which they circulated against the monarch and aristocracy, may serve to illustrate this observation; and, while we feel it a duty which we owe to ourselves, as freemen,—to our valiant ancestors, from whom we received the British constitution,—and to our posterity,—to maintain the freedom of the press, the tremendous calamities, which those factious confederacies brought upon the French nation, by disseminating seditious pamphlets, should teach us to avoid the abuse of this powerful engine. Many persons, whose local situation and whose intellectual powers were peculiarly well combined for investigating the leading circumstances in the French Revolution, have testified, that the miseries, which succeeded the first irruption of the people, and all their subsequent internal calamities, may be traced

Illustrated by the French Revolution.

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traced back to the licentiousness of the press, after they had obtained its liberty.

These few thoughts must suffice, upon the distinction between a seditious attack upon the government, and the exercise of our constitutional right of proposing amendments in any description of laws, or reform in the various departments of the state.

On libels.

Secondly: Libels.

In law, those acts of sedition, to which we have already adverted, are denominated *Libels*; and, therefore, it may be necessary to premise, that, in the present connexion, I intend *Personal Libels*, whether against publick or private characters.

Tendencies of a libel.

All scurrilous, personal epithets, are calculated to provoke resentment, and thus tend to the immediate breach of the peace: and, if these be applied to an individual

individual in writing, the wound is made far deeper in his feelings, than if it were given verbally. If it be in print, in addition to the infliction of deep anguish upon his own mind, it may excite rancour, and a spirit of revenge, in the breasts of his relatives and intimate friends, or even through the whole circle of his acquaintance. Hence, the Roman law of the Twelve Tables constituted libelling a capital offence. The English law, in a *criminal prosecution* for a libel, does not inquire so particularly into the truth of its statement, as into its tendency to provoke breaches of the publick peace. But in a *civil action*, where damages are required on the part of the plaintiff, it is necessary to prove the falseness of the libel, in order to shew that unjust damages have been sustained[1].

Capital crime among the Romans.

Its truth not considered in a criminal prosecution.

Yet

(1) See Blackstone's Commentaries, vol. IV. p. 150.

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Yet this principle of punishing for a true libel should be acted upon with peculiar caution; and, particularly, in giving a verdict against the defendant, upon an indictment for a libel on a publick character. Men in publick situations are exposed to more than ordinary malignity; and, generally, have to contend with many factious persons, whose envy, if unrestrained by law, would blast the fairest reputation with the malignant breath of calumny. But it is also true, that publick men frequently betray their trust; and, if it were not for the disclosure of their conduct by a free press, and the sense of the people expressed through the same medium, many would continue to fill their situations of publick trust, though they should venture to practise abuses with increasing confidence; and would retain the emoluments

of

of their office, even though daily committing depredations upon the state. Perhaps, it would be more equitable to punish only for those libels, which are false, defamatory assertions against private persons or publick characters; but, where scurrilous, personal epithets are avoided, if the case be stated in sober, plain, and simple language, to decree that *a true libel shall not be punishable.*

More equitable to punish only for false libels.

In the cases both of sedition and personal libelling, the circumstances of the case must determine the verdict of the jury, upon the guilt or innocence of the defendant as to the matter of fact; and ought, also, as to the penalty to be annexed, when the fact is proved. It is not necessary for the law to ascertain precisely the extent of the boundaries of offensive libelling, as no law can meet every case; and, if the jurors be fairly

Circumstances to determine the case.

selected, they may generally be safely trusted to supply the legal deficiency, by a verdict, dictated by their own understandings, and a conscientious regard to equity.

On the inculcation of vice.

Thirdly: The inculcation of vice.

The laws defective in this respect.

It is a fact, in the history of legislation, deeply to be lamented by every virtuous man, that, while severe laws have been enacted against those who differed from the established forms of worship, the most gross immoralities have been suffered to pass unpunished. And, even in the present day, while a criminal prosecution may be instituted against an officer of state, on the ground of his not having received the sacrament according to the forms of the established church; and while, by that prosecution, he may be expelled from the situation that he occupies, and to which personal merit

merit may have obtained his promotion; another man, in the same department, may be guilty of the crimes of seduction and adultery, and yet retain his situation, and be liable to no other consequences, than a civil action for damages on the part of a private individual, who, as husband or parent, is immediately the sufferer: these damages, too, are sometimes so inconsiderable, as to furnish no check upon the licentiousness of the age.

Grossest vices only slightly punishable.

Surely it must occur to every man of sober reflection, that each of those crimes, enumerated in a preceding essay upon LIMITATIONS, has a specifick degree of influence, in counteracting the general purposes for which we are formed into a community; and, if this be admitted, those publications, which vindicate the practice of such descriptions of vice, should

Injury society sustains.

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should be suppressed, as tending to disturb the peace of society, and to weaken all the bonds of social life. The question may be brought to this issue: they either do, or do not, influence the practice of those by whom they are perused. If they have no influence upon the practice of the reader, and he rises, from reviewing the contents of any such volume, with precisely the same principles and dispositions that existed in his breast before he entered upon the investigation, it can be no evil to suppress the publication, since no person derives any benefit from its contents: but, if they have a specifick influence upon the practice of many readers; and the youth, whose early principles inculcated probity and integrity among men, and veneration for the name of God, be induced, by imbibing the sentiments of such authors,

Influence of vicious publications on the practice of all classes.

to

to violate the ties of nature, to despise the Divine character, to "make shipwreck of faith and of a good conscience," and, perhaps, in some hour of desperation, to commit the unpardonable crime of *Felo de se*[1]; it becomes the province of law, to take cognizance of such publications, and to punish the authors, as literary incendiaries.

Authors of such works chargeable with their effects.

In general, those who are accessary to any crime, are punishable, by law, with heavy penalties, and, in some cases, with penalties equally severe with those inflicted on the principal actors: and, by analogy, those, who publickly inculcate the practice of gross vices, should be punishable, as accessaries to the actual commission of such crimes. Sir Matthew Hale describes *an accessary before the fact,*

Judge Hale's observations on the guilt of accessaries.

(1) See Note XXIX.

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fact, to be one, who, being absent at the time of committing the criminal act, is implicated, by procuring, counselling, or commanding another to commit the crime: consequently, absence at that specifick time is necessary to constitute him an accessary; for, if he were present, he would be guilty of the crime as a principal[1]. He, therefore, who publickly inculcates, or endeavours to vindicate, the practice of any gross vice, should be liable to a criminal prosecution. Such persons are not accessaries to a particular fact, but to all the consequences that result from their mischievous productions. Deterioration of moral principle tends to the commission of the most atrocious crimes in the private walks of life, and, ultimately, to general anarchy:

(1) See Hale's Pleas of the Crown, vol. I. pp. 615, 616.

anarchy: those books, therefore, which necessarily tend to deprave the moral principles of the youth in the community, should subject the authors of such publications to severe penalties.

SECTION IV.

On the equity of trial and SENTENCE *by Jury, in prosecutions for libels.*

On trial by jury for libels.

It is not necessary, to a clear apprehension of this branch of our subject, to trace the antiquity of trial *per païs,* or *by the country.* It may suffice to observe, that the earliest Saxon records, which have been transmitted down to our day, prove it to have been in use at the time when they were written, In England, it is spoken of by the laws of Ethelred; and in *Magna Charta,* it is recognized as a grand bulwark of British liberty: and, in all countries, where it has been exercised,

Origin of juries.

cised, experience of its utility has taught the people to regard it, as one of the most important principles of their laws, and their best defence against injustice.

Advantages of the practice.

The most important advantage, which a subject derives from trial by jury, is, the impartiality with which his cause is decided. A jury, fairly selected from an extensive district, must be presumed to act disinterestedly. The person arraigned is, in general, unknown to every juror; from which circumstance, we are warranted to conclude, that each one will acquit himself, to his own conscience, of all wilful departure from the rigid principles of justice, and, according to his oath, "Well and truly to try, and true "deliverance make, between our sove- "reign lord the King, and the prisoner "whom they have in charge, and a true "verdict to give according to their "evidence,"

Secures impartiality.

"evidence," that he will return an unbiassed verdict.

Prevents the operation of malignity.

Trial by jury prevents the exercise of any high degree of malignity on the part of the judge; although he still retains much influence, in summing up the evidence, and giving the charge. But, if the decision of causes rested alone with the judge, his own private animosities, or those of his friends, might be resented in our courts of judicature, under the worst of all pretexts for the exercise of malice, namely, the distribution of justice in an official capacity: and, eventually, the phrase, *Administration of justice*, would be perverted, by growing abuse, as under the old system in France, till it meant no more, than awarding the cause to him, who could purchase it with the most considerable premium. But, even should this flagrant abuse of power be avoided,

if

if causes were not subject to decision by jury, many cases might occur, in which a judge, or the four judges of any court, or even the twelve judges, might be partial by prepossession.

Illustrated from the case of Penn and others.

A case, worthy of observation, occurred in the reign of Charles the Second. William Penn and William Mead were indicted, "for that they, with others, to "the number of three hundred, on the "14th of August, 22° Regis, in Grace-"church street, did . . . . unlawfully and "tumultuously assemble and congregate "themselves together, to the disturbance "of the peace," &c. After the witnesses had stated the fact, that such a number of people were assembled, and that Penn had preached to them, the Recorder summed up the evidence, and the jury retired. After some debate, they returned with a verdict: "Guilty of speak-

"ing

" ing in Gracechurch street." Upon which the court replied: " You had as " good say nothing;" and inquired, " Was it not an unlawful assembly? " You mean he was speaking to a tumult " of people there." But, as the foreman refused to sanction the insertion of such words, as an " unlawful assembly," they were sent back to re-consider their verdict; and, upon their return into court, presented a verdict in writing, signed by every juror, in these words: " We the " jurors, hereafter named, do find Wil- " liam Penn to be guilty of speaking or " preaching to an assembly met together " in Gracechurch street, the 14th of Au- " gust 1670; and William Mead not " guilty of the said indictment." This verdict the court refused; and, it being Saturday night, the court adjourned till Sunday morning; and, as the jury insisted upon

Opposition of the jury to the court.

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upon the same verdict, the court again adjourned till Monday morning, when the jury brought the prisoners in "Not guilty;" which sentence was recorded, and allowed to be a valid acquittal of the prisoners: but, immediately, the court fined them forty marks a man, and to lie in prison till paid. From this conduct on the part of the court, it is easy to suppose what would have been the unhappy consequences to the prisoners at the bar, if the judge could have pronounced sentence against them, irrespective of the verdict of a jury [1].

Ultimately successful.

This ancient practice of trying Englishmen by their peers, prevents the exercise of an arbitrary and unconstitutional influence, on the part of the crown, or any of its ministers. The statute of 1st

The practice secured.

(1) See Note XXX.

1st Geo. III. c. 23. which constituted the office of judge permanent for life, has established the proceedings of our courts of judicature upon a firm basis, by rendering their principal officers independent of party connexions, or ministerial caprice[1]. Yet, as the crown possesses an immense revenue; and as, by the application of this money, ministers can exercise almost unbounded influence, the verdict of a jury, in all cases of indictment, is a more certain defence against arbitrary power, and is, perhaps, the best guarantee for the free exercise of the British press.

On *sentence* by jury for libels.

But while we glory in the verdict of the jury upon the simple fact, 'Guilty,' or 'Not guilty,' it still remains a question worthy the attention of the legislature

(2) See Note XXXI.

ture and the publick, who shall determine the nature and degree of punishment to be inflicted on the author of a libel? As this is a question of no little moment, I shall enter briefly into the discussion of it.

How the law now stands.

In *criminal prosecutions for libels*, the existing laws vest this power in the judges of that court, in which the cause is tried. But this prerogative, attached to the courts of law, is capable of being exercised to the ruin of the defendant, even when equity and reason would excuse him, with no other penalty than the costs of the indictment, or, at most, chastise him with great lenity. In the first part of the process, when the cause is to be brought before a jury, for their verdict upon the fact, the prisoner has the extraordinary privilege of peremptorily challenging to the number of thirty-five

Inconsistency with the general spirit of the laws.

five jurors, and as many more as he can assign sufficient cause for rejecting; but, when the fact is established by the verdict of the jury, the cause reverts to the judges to determine the penalty.

Equity of the sentence on civil prosecution for libel.

In the case of a civil action for a libel, the plaintiff alleges his damages at a certain sum; and the jury are to determine, whether that, or an inferior compensation, shall be rendered by the defendant: and, if a jury be competent, in civil cases, to decide the penalty, their natural ability, in criminal cases also, to return an equitable verdict, which should fix the nature and degree of the punishment, must be admitted. And, perhaps, it would be difficult to shew cause, why jurors should be legally disabled in the latter, more than in the former case. If this right were obtained, we should enjoy the constitutional privilege of a

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free press, in its most ample extent; while government, publick and private individuals, and the morals of society, would be equally secured from hostile attacks, by possessing adequate means of redress.

With the exception already mentioned, the great distinction between equitable liberty and unjust restraint consists in having, or not having, liberty to publish our speculations, without first obtaining the sanction of a legal inspector. During the existence of the Star Chamber, all new publications underwent the inspection and revision of persons nominated by that odious court. By its decrees, the number of printers and of presses throughout the kingdom was limited; and the publication of every book, which was obnoxious to that arbitrary jurisdiction, suppressed, because it maintained the

Condition of the Press prior to the Revolution.

the principles of either civil or religious liberty. The Long Parliament, also, assumed this tyrannical authority of licensing all books, before they were issued from the press: and it was not till one thousand six hundred and ninety-four, the fifth year of William and Mary, that this invaluable branch of British liberty was fully obtained; but, from that period, to the present, the press has remained properly free. Several attempts were made, at subsequent periods, to bring it again under the control of the Crown; but the Parliament ever has, and, we hope, ever will preserve, its rights inviolate. Upon this, as a hinging point, the permanence of the British Constitution depends. Insidious attacks upon our liberties may sometimes be made; but, if the press remain free, the most temerarious minister will not venture

Its liberty obtained soon after that event.

And perpetuated to the present time.

The great preservative of the Constitution.

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upon any flagrant innovations on publick or individual liberty. And, were this national right delivered from the one remaining shackle of arbitrary power, by transferring the judicial act of giving sentence against the delinquent, from the court to the jurors, we might safely predict the perpetuity of our constitutional privileges to our children's children, through many generations.

SECTION V.

On the particular influence of the liberty of the Press, in promoting the cause of true Religion.

On the tendency of the Press to promote religion.

The Scriptures denied to the laity by the church of Rome.

When the church of Rome gained the ascendency over all other churches in the western kingdoms of Europe, and her bishop was acknowledged as the PAPA of all other bishops, she impiously forbade the laity to read the Scriptures, and, with the strong arm of power, wrested those

those sacred books out of their hands. Having accomplished this iniquitous purpose, she propagated her own traditions; and, under the sanction of Papal infallibility, taught the people to believe, that her own pretended visions, miracles, and legendary tales, were of equal validity with the books of the Old and New Testaments. Hence we learn the origin of that dark night of error, which succeeded the early diffusion of Gospel light.

Superstition and error the consequence of this.

From Rome, as a pool, wherein the exhilarating streams of the Gospel had grown stagnant, a thick pestilential vapour arose, which darkened the understandings of mankind, while it poisoned their principles. From thence it spread, in all directions, over the Christian hemisphere; till almost every point of that wide horizon, over which the Sun of Righteousness had diffused his cheering rays,

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rays, was enveloped in darkness, more awful and more portentous, than that which descended upon rebellious Pharaoh, and the callous sons of Ham.

Luther circulated the Scriptures, and thus diffused the light of truth.

But, when the celebrated Martin Luther, in defiance of the anathemas pronounced by Leo the Tenth, Adrian the Sixth, and Clement the Seventh, brought out the Scriptures to publick view, translated them into the German tongue, and inculcated the perusal of them by the laity, many thousands of the people, who formerly "sat in darkness and the "shadow of death," could unite with David, in his admirable address to Jehovah: "The entrance of thy word "giveth light; it giveth understanding "to the simple[1]." Happily for many nations upon the continent of Europe, but

(1) Psalm cxix. 130.

In England truth has been gaining ground, during many ages.

but more especially for the British Isles, that light has never been extinguished. In this favoured country, the knowledge of Divine truth has been like the progress of the orb of light, "shining more and "more unto the perfect day[2]." When "God said, Let there be light, ... there "was light[3];" and that glorious luminary, which stands as the centre of our planetary system, appeared in the heavens, and, by his effulgence, hath, to the present hour, continued to irradiate the earth. Thus, also, at the Reformation, when the providence of God brought forth the sacred Scriptures, from those repositories where they had long lain forgotten, he caused the Sun of Righteousness to arise upon the moral world, and to shed his more glorious radiance upon

(2) Prov. iv. 18. (3) Genesis, i. 3.

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upon the souls of men: "For God, who "commanded the light to shine out of "darkness, then shined into the hearts "of men, to give the light of the know- "ledge of the glory of God, in the face "of Jesus Christ[1]."

We have a printed revelation of the Divine will.

At the memorable period in which we live, nothing is deficient, that can contribute to promote, either faith, or holiness in our souls. The Scripture is complete, and, in the general, accurately translated: the prophecies are, in part, accomplished, and others are daily fulfilling: and, consequently, we have a fulness of evidence, that the Bible is the Word of God; and, hence, we discover the high importance of our Saviour's precept: "Search the Scriptures; for in "them ye think ye have eternal life, and "they

(1) 2 Cor. iv. 6.

"they are they that testify of me[2]." These, surely, are considerations, which should induce every sober thinking man to study the Scriptures with unremitted assiduity; and to esteem the freedom of the press an invaluable blessing, by which, as the sole medium, the publick obtained repossession of the Bible.

A free Press the medium of Theological discussion.

Through the same medium, we enjoy the liberty of expounding Scripture, according to our own views. Unawed by the formidable names of Justin the Martyr, Irenæus, Tertullian, Origen, Austin, Athanasius, and the host of primitive fathers, we venture to prefer the writings of many modern authors, before all the productions of the second, third, and fourth centuries. We highly esteem the works of Owen, Howe, Bates, Charnock, Flavel,

(2) John v. 39.

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Flavel, Baxter, Lardner, Locke, Boyle, Watts, Doddridge, and many of their cotemporaries; yet, we "call no man ma- "ster upon earth;" but, like the ancient eclectic philosophers, we select, from every author, those observations, which appear, to our judgements, to approach the nearest to unadulterated truth. Much has been done to explain Scripture; but this fact does not supersede the use of further attempts to elucidate many passages which yet remain obscure. Perhaps the day is not far distant, when God will pour forth his Spirit, in an abundant degree, upon those, who are diligently studying to apprehend his will; and thus enable them to explain the darkest sentences of the inspired volume, in a manner so simple, perspicuous, and lucid, that believers of the meanest capacity will be able to understand their implex subjects.

Probable benefits that will result from this.

From

From such unbounded liberty of investigating the history, miracles, doctrines, and precepts of Scripture, and of publishing to the world the result of our investigation, controversy will arise; but, it will ultimately promote the cause of truth. The various errors that appeared in the church, in the early ages of Christianity, caused numerous dissentions among the professed disciples of Jesus Christ, and excited a spirit of acrimonious controversy upon the great doctrines of the Gospel: but, even that circumstance has been subservient to the cause of true religion: those controversies have been the means of perpetuating, to this remote period of time, the sentiments and testimonies of the early Christian ministers, which constitute good historical documents of the sense, in which the immediate disciples of the Apostles understood

It will excite controversy, but will also disclose truth.

Controversy produced the testimonies of the Fathers.

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stood many of the doctrinal parts of Scripture.

But, the most important advantage, that has resulted from the early dissentions of the Christian church, is, the present purity of the inspired writings. This has been the means of preserving the Scriptures pure and unalloyed by error; as every sect, jealous of their opponents, and zealous for their own particular creed, would immediately have detected an interpolation, and exposed every perversion of the obvious sense of Scripture, or innovation upon the original text.

Controversy preserved the Scriptures from adulteration.

Controversy naturally excites a spirit of free inquiry; and a spirit of free inquiry in religion, must, ultimately, terminate in the disclosure of truth. If many minds be intentively occupied in the study of any given subject, it is highly

Free inquiry will develope truth.

highly probable, that some will succeed in the investigation: or, if none should succeed in every particular, that, which escapes the observation of one man, may occur to some other; and, by each contributing in some degree to elucidate the subject, all may, eventually, attain a clear apprehension of its nature.

Absurd opinions may be obtruded on the publick.

While a spirit of free inquiry is exercised, many absurd opinions may be obtruded upon the publick; but, these will speedily meet their fate, and sink into oblivion, leaving truth alone to reign for ever. It would be an insult to the understandings of mankind, to suppose, that, if a spirit of free inquiry be indulged, the cause of error will find more able advocates than that of truth. Reason suggests, that men of the best understandings will choose the better side; and thus pre-occupy the higher ground, where

But reason will prevail.

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where their more formidable artillery may be discharged, to the best advantage, against their opponents.

Malignity may be excited, but truth will succeed.

Free inquiry upon questions in religion may excite a spirit of implacable malice in the hearts of wicked men, against the advocates of piety, rectitude, and integrity; but the cause of God and truth must eventually triumph. Let us appeal, for proofs of this proposition, to the lives of Martin Luther and the English Puritans.

The life of Luther an illustration of this sentiment.

Martin Luther, the apostle of the German empire, was originally provoked to enter the lists, against the pontiff and cardinals of the Roman See, through the scandalous publick sale of Papal indulgences in sin, by John Tetzelius, a Dominican friar. This venal priest presumed to introduce the iniquitous traffick into the city of Wittenberg, where Luther was Divinity professor in the University. The

The first opposition, which that celebrated reformer offered to the authority of the Roman pontiff, went no further than to counteract the unrestricted grant of plenary indulgence in any sin, for a stipulated price[1].

He did not at first entirely reject indulgences.

Probably, Luther did not, at that period, entirely reject the doctrine of indulgences, but required moderation in the extent to which they were granted, and delicacy in the manner of their dispensation: yet, when the storm of persecution arose, it became necessary to investigate strictly the principles upon which his resistance of Papal authority was founded; and to inquire, whether they were calculated to support his mind under the torments which might be inflicted by Inquisitorial tyranny. Examination of his own principles confirmed him

He was provoked to further investigation.

(1) See Note XXXII.

him in the resolution to vindicate them with his latest act of reason; and, free inquiry into the atrocities of the Romish church, disclosed innumerable frauds, which were unblushingly practised upon all her subjects. The discovery of such gross abuses produced more vigorous remonstrances on the part of Luther; to which the advocates of the hierarchy, and of profligacy, replied with much acumen: but all their efforts to suppress the doctrines of the Gospel, by dogmatical assertions of the Pope's infallibility, or by personal menaces against the Reformer, terminated in the entire renunciation of Papal authority by Luther, and the schism of a great part of the German empire, the Netherlands, Sweden, and, within a few years, of England also, from the communion of the Roman church [1].

Investigation discovered fresh abuses.

And ended in a separation from the Papal communion.

The

(1) See Middleton's *Life of Luther*.

The rise and progress of Puritanical sentiments were analogous, in many particulars, to the Reformation in Germany. In the reign of Henry the Eighth, the church of England was severed, by an imperious decree of that monarch, from the Roman Pontiff, as its ecclesiastical head. This induced many persons to investigate those doctrines, to which they had, with implicit faith, formerly subscribed: and the assumption of supremacy by the King excited a suspicion, that the pretensions of the Monarch and the Pontiff were equally fictitious. At this period, the principles of the German Reformer made some progress in England; and these gradual advances toward reformation, prepared the minds of the people for that event, in the reign of Edward the Sixth. During the life of that amiable prince,

The origin of the Puritans.

Their intellectual progress facilitated by Luther's reformation.

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many abuses were corrected, and the principles of the pure Gospel made rapid progress in emerging from the errors of Popery. In this reign, some dissention arose about consecration in Popish habits, in consequence of Bishop Hooper refusing to submit to the ceremony with those appendages; and the acrimony of some other bishops, in defence of the practice, produced a division in favour of a more entire reformation.

Bp. Hooper a Puritanical dissentient.

In the reign of Mary, great numbers of Protestants fled from her merciless proscriptions, to seek an asylum in neighbouring reformed states. During their residence abroad, a division occurred, upon the propriety of retaining the Liturgy and forms of worship, as established by Edward the Sixth, or of reforming the church more entirely from Popish ceremonies. Those who espoused

Consequences of Q. Mary's intolerance.

Elizabeth excited to intolerance by one party of the Reformers.

espoused the cause of the Liturgy, *etc.* as used in the days of Edward, gained the ear of Elizabeth, upon her accession to the throne, and obtained the establishment of that form of worship, by Act of Parliament. This being effected, they proceeded to persecute their brethren, who dissented from the established forms of devotion and church discipline, with a degree of severity, almost equal to those sanguinary deeds, which have left an indelible disgrace upon the name of Queen Mary.

Had those Protestant divines, who were promoted to dignified stations in the Episcopal church, manifested a conciliatory spirit toward their Puritan brethren, perhaps a schism would have been avoided; but the unjust severities and intolerant requirements of those, who had obtained Elizabeth's favour, were

Intolerance compelled the Puritans to investigate their principles.

the means of extending and perpetuating the breach. The measures they adopted, excited among the Puritans a strict investigation of the principles upon which their separation was founded; and this, by leading them into a more clear view of the question, terminated in a resolution not to conform, and thus rendered the breach irreparable. And, as a final result, those severities, which were exercised against men who were conspicuous for piety of heart and purity of morals, induced many persons, who were strangers to the subject of the controversy, to inquire into the principles upon which the Puritans separated from the Establishment; and in this instance, as in almost every other, which is recorded in the pages of History, truth prevailed, and brought daily accessions to the

The principles of dissent obtained numerous advocates.

the number of advocates for a purer worship[1].

The persecution of Nonconformists a cause of their numerous publications.

The primitive Nonconformists, when excluded from their pulpits, exercised their talents in writing works for the press; and those treatises, which were composed in their solitary leisure months, when the scowling storms of persecution kept them within their own doors, have done more in promoting the cause of Christ in subsequent ages, than their pulpit labours could possibly have done in any one age, had they been permitted to obey the dictates of conscience without molestation. Thus, under some form, God will always "cause the wrath "of man to praise him[2]," and render the most malignant opposition of wicked men subservient to the interests of his Church.

(1) See Neal's Puritans, vol. i. ch. 1, 2, 3, 4, *passim*.

(2) Psalm lxxvi. 10.

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from the shackles of an arbitrary, Episcopal authority. While eminent primitive Nonconformists lamented over the degeneracy of the age in which they lived, and over the degraded condition of the Church of Christ, those circumstances of degeneracy on the one part, and degradation on the other, were the procuring cause of the publication of a large number of well-written books on Divinity, which have almost entirely superseded appeals to the ancient Fathers[1].

This has eminently promoted the cause of religion.

The freedom of the press is the grand Palladium of religious liberty; and this must be destroyed, before any serious attack can be made upon liberty of conscience. It is a medium, through which Truth addresses the understandings of men; and, if the human understanding be assailed by the artillery of truth, it will

Liberty of the Press the defence of Toleration.

(1) See Note XXXIII.

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A means of promoting Evangelical religion.

will not long continue to be the citadel of error. This has been amply illustrated by the general progress of religion in Britain, from the period when the liberty of the press was fully obtained, down to the present time. Knowledge has been extensively diffused; and, as the necessary consequence of the dissemination of general knowledge, the cause of piety has made rapid advances in its approximation to that august period, when the great deceiver of mankind shall be cast out of his kingdom, in their hearts; be subjugated by the irresistible power of JESUS JEHOVAH; and be ignominiously confined, within the precincts of the bottomless pit.

By the free exercise of the press in our own day, all classes in the community possess the means of defending their religious principles, in candid appeals to the

the reason and consciences of mankind: and while this privilege is enjoyed, we must presume that truth and equity will gradually gain ground upon superstition and intolerance. The publick will be excited to a strict and impartial investigation of the political tendencies of the sentiments professed by the several religious sects in the community: and while a candid examination of the principles maintained by most of the different sects will discover them to be not only harmless to the State, but even friendly to the radical principles of our happy Constitution, we are warranted to conclude, that the tone of publick opinion will become increasingly liberal. That the religious views of the various denominations of Protestant Dissenters have no political tendency, and that their political principles, as a body, are eminently loyal,

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loyal, has already been proved: that their doctrinal articles, and forms of church government, though, as they presume, capable of a rational and Scriptural defence, are not proper subjects of the civil magistrate's jurisdiction, has also been shewn: and, therefore, while Protestant Dissenters have an opportunity of freely appealing to the understanding of the Legislature and the publick, through the medium of an unrestricted press, the result will be favourable to the cause of the dissidents; and every unbiassed mind will be constrained to draw the inference, that the liberties of a body, so numerous, opulent, virtuous, and loyal, as the Protestant Dissenters, appear to be—must be—greatly augmented, rather than diminished.

NOTES

AND

ILLUSTRATIONS.

NOTES & ILLUSTRATIONS.

NOTE I. p. 37.

It is very remarkable to this purpose, that Orobio the Jew, in his conference with Limborch, freely acknowledges, that, in Spain and Portugal, all the monasteries and nunneries are full of Jews; that many canons, inquisitors, and bishops, being descended from Jewish parents, are still Jews in their hearts, though, for temporal advantages, they profess to be Christians. Some of these, he says, repent, and, if they can, escape into other countries; of which he himself was one; who confesses, he had often complied with the idolatries of the place:—"Ego qui toties miser genua Baali flexi, "peccatum meum ego recordor," &c. *Jud. Script. Test.* No. 4. p. 102. And Limborch afterwards declares, that Orobio had himself owned, that the Jews in Spain are taught by their parents, that, in order to escape the Inquisition, it is lawful to profess Christianity, while they deny it in their hearts; and to confirm that profession by swearing on the cross, and by eating swine's

swine's flesh, &c. *Limb. Resp. ad Script.* iii. cap. v. p. 178. See *Doddridge's Works*, vol. iii. p. 136.

NOTE II. p. 44.

Perhaps the insertion of profane swearing in the catalogue of those enormous crimes which deserve criminal prosecution, and the inculcation of which merits severe reprehension, may appear to some persons highly exceptionable; but, if we reflect upon the natural consequence of profane swearing in familiar discourse, or of profanely introducing the "Holy and Reverend" name of God in ordinary conversation, I am persuaded, that every wise and good man will concur in the sentiment, that persons thus accustomed to prostitute the most solemn words or sacred titles, may easily be induced to apply them with as much falseness in a court of justice, as with impudent familiarity in the ordinary avocations of life. Fear of the pillory and its appendages may restrain from swearing falsely in many cases; but the sacred qualities of the oath are nevertheless destroyed, since the man is prevented from contracting the guilt of perjury by fear of human vengeance, and not by the dictates of a conscience tenderly alive to its heinous nature, as an act of transgression against God.

NOTE III. p. 49.

The following Extracts are produced in corroboration of the principles attributed to the Quakers.

"The Scriptures are a sealed book to all, but those "who know them by the same hand which originally "gave them. So that, however common they may be "in the world, they are strangers to them that under-"stand them not; and though old, respecting the "time when they were revealed to the Saints, yet new "to every age: so that we assert not a revelation of "new things, but a renewed revelation of those things "God made former ages witnesses of; otherwise men "are no more benefited by them: and to be benefited, "they must be made ours by the Spirit, which made "them the holy ancients'." *Penn*, p. 37.

"Suppose any man should pretend a vision of very "strange and unwonted things, should imitate a "trance, and personate some extraordinary inspired "person; by what place of Scripture would others "assure themselves of the sincerity or imposture of "such a person; his rationals being otherwise sound, "his life sober, and his pretences no way anti-"scriptural?—I affirm to all the world, that, in this "case, no outward mean whatsoever decides the matter, "or clears the doubt, only the invisible light, power, "or Spirit of God; yea, and that in far less cases too. "In which sense, chiefly, it is the dispensation of "the Gospel, so called, and justly preferred before "all other." *Penn*, p. 49.

NOTE IV. p. 49.

To this light, or Word within, they seem to appeal, rather than to the written volume of Revelation; for which, however, they avow a high regard. They profess to wait the impulse of the Spirit in every affair; but especially in all that concerns religion, or the worship of God. *Bogue and Bennett's Hist. of Diss.* vol. i. p. 158.

The following anecdote will further illustrate the principle. A minister, on the Lord's day, having taken for his text the words of the Apostle Peter, "We have a more sure word of prophecy, to which ye "do well to take heed, as to a light that shineth in "a dark place," was contradicted by George Fox, one of the early Quakers, who "feeling, as he apprehended, "a Divine power opening his understanding into a "clearer conception of the meaning of the text, and an "authority to express his sense thereof, he signified "that this more sure word of prophecy was not the "Scriptures, but the Holy Spirit." *Gough's Hist. of Quakers*, vol. i. p. 82.

NOTE V. p. 55.

The only pretenders to religion, who attempted any thing against the government, was a small number of enthusiasts, who were for King Jesus. Their leader was Thomas Venner, a wine-cooper, who, in his little conventicle in Coleman street, warmed his admirers with passionate expectations of a fifth universal monarchy,

archy, under the personal reign of King Jesus upon earth, and that the saints were to take the kingdom to themselves. To introduce this imaginary kingdom, they marched out of their meeting-house, towards St. Paul's Church-yard, on Sunday, Jan. 6th, to the number of about fifty men, well armed, and with a resolution to subvert the present government, or die in the attempt. They published a declaration of the design of their rising, and placed centinels at proper places. The Lord-mayor sent the Trained Bands to disperse them, whom they quickly routed, but in the evening retired to Cane Wood, between Highgate and Hampstead. On Wednesday morning, they returned, and dispersed a party of the King's soldiers in Threadneedle street. In Wood street they repelled the Trained Bands, and some of the Horse Guards; but Venner himself was knocked down, and some of his company slain: from hence the remainder retreated to Cripplegate, and took possession of a house, which they threatened to defend with a desperate resolution; but nobody appearing to countenance their frenzy, they surrendered, after they had lost about half their number. Venner, and one of his officers, were hanged before their meeting-house door in Coleman street, Jan. 19th; and, a few days after, nine more were executed, in divers parts of the city.—*Neal's Hist.* vol. iv. p. 310.

NOTE VI. p. 58.

It is "the calling upon God to witness, *i. e.* to take "notice of what we say;" and it is "invoking his

" vengeance, or renouncing his favour, if what we say " be false, or what we promise be not performed."—*Paley's Moral Philosophy*, vol. i. chap. 16. § 2.

NOTE VII. p. 58.

Remove God once out of heaven, and there will never be any Gods upon earth. If man's nature had not something of subjection in it to a Supreme Being, and inherent principles obliging him how to behave himself toward God, and toward the rest of the world, government could never have been introduced, nor thought of. Nor can there be the least mutual security between governors and governed, where no God is admitted. For it is acknowledging of God, in his supreme judgement over the world, that is the ground of an oath, and upon which the validity of all human engagements do depend.—*Wolseley's Unreasonableness of Atheism*, p. 152.

NOTE VIII. p. 61.

Nature's light is no less defective, as to the discovery of punishments; for, however the forebodings of guilty consciences, a dark tradition handed down from generation to generation, and some exemplary instances of Divine severity, leave some impressions of punishment on the minds of many in all ages, yet it is well known, that those things were ridiculed by most of the philosophers; the poets' fictions made them contemptible; and the daily instances of impunity of sinners here

here weakened the impressions. Besides, evils that follow duty, and losses sustained, are sensible, present, certain, known, and so affect strongly; and therefore are not to be balanced by punishments, which are not, or rather, at least, are rarely executed in time, and whereof there is little distinct evidence after time. For be it granted, that the justice and holiness of God render it incredible, that so many transgressors, as escape unpunished here, should get off so; yet certain it is, that nature's light can no way inform what punishment shall be inflicted. — See *Halyburton, on the Insufficiency of Natural Religion*, p. 87.

NOTE IX. p. 62.

The absolution given by the priest, after confession, is in this manner: "Our Lord Jesus Christ, who has "left power in his Church to absolve all sinners who "truly repent and believe in him, of his great mercy "forgive thee thine offences; and, by his authority com- "mitted to me, I absolve thee from all thy sins, in the "name of the Father, Son, and Holy Ghost. Amen." —See *View of Religions*, by *Hannah Adams*, p. 251.

The decrees of indulgence, finishing the council, and demanding confirmation, were read, and approved by all. After dinner, the session was held, in which the decree of indulgence was read, containing in substance: That Christ hath given authority of granting them to the Church, and *(the church)* hath used the same from all antiquity. And, therefore, the synod

doth teach, and command, that the use of them ought to be continued, as profitable for Christian people, and approved by councils; and doth anathematize those that shall say they are unprofitable, and that the Church hath not power to grant them.—*Hist. of Council of Trent*, p. 812.

NOTE X. p. 63.

Make not God the object of your oaths (*i.e. so as to swear frequently by him*); that ye will deal justly, and be devout, and make peace among men; for God is he who heareth and knoweth. God will not punish you for an inconsiderate word in your oaths; but he will punish you for that which your hearts have assented unto. God is merciful.—*Sale's Koran*, chap. ii. p. 40.

God will not punish you for an inconsiderate word in your oaths, but he will punish you for what ye solemnly swear with deliberation. And the expiation of such an oath (*to wit, an oath sworn inadvertently*) shall be the feeding of ten poor men, with such moderate food as ye feed your own families withal, or to clothe them, or to free the neck of a true believer from captivity: but he who shall not find wherewith to perform one of these three things, shall fast three days. This is the expiation of your oaths, when ye swear inadvertently: therefore keep your oaths.—*Sale's Koran*, chap. v. p. 148.

NOTE XI. p. 67.

The following decree is of greater importance, because the Council therein explains itself upon the validity of the safe-conducts granted to hereticks by temporal princes, in these terms: "The present synod "declares, that every safe-conduct granted by the "emperor, kings, and other temporal princes, to "hereticks, or persons accused of heresy, in hopes "of reclaiming them, ought not to be any prejudice "to the Catholick faith, or to the ecclesiastical juris- "diction, nor to hinder; but such persons may, and "ought to be examined, judged, and punished, ac- "cording as justice shall require, if those hereticks "refuse to revoke their errors, even though they should "be arrived at the place where they are to be judged "only upon the faith of the safe-conduct, without "which they would not have gone thither. And the "person who shall have promised them security, shall "not, in this case, be obliged to keep his promise, by "whatsoever tie he may be engaged, because he has "done all that is in his power to do."

To this decree it is necessary to add another, which relates to the safe-conduct of John Hus in particular. This decree, which is not in the printed Acts, is to be seen in MS. in the Vienna library. It runs thus, word for word.

"Whereas there are certain persons, either ill "disposed, or over-wise beyond what they ought to "be, who, in secret and in publick, traduce not only "the Emperor, but the sacred Council; saying, or in-

sinuating,

" sinuating, that the safe-conduct granted to John Hus, " an arch-heretick, of damnable memory, was basely " violated, contrary to all the rules of honour and " justice; though the said John Hus, by obstinately " attacking the Catholick faith in the manner he did, " rendered himself unworthy of any manner of safe- " conduct and privilege; and though, *according to the* " *natural, divine, and human laws, no promise ought to* " *have been kept with him, to the prejudice of the Ca-* " *tholick faith.* The sacred Synod declares, by these " presents, the said Emperor did, with regard to John " Hus, what he might and ought to have done, not- " withstanding his safe-conduct; and forbids all the " faithful in general, and every one of them in par- " ticular, of what dignity, degree, pre-eminence, con- " dition, state, or sex, they may be, to speak evil in " any manner, either of the Council, or of the King, " as to what passed with regard to John Hus, on pain " of being punished, without remission, as favourers " of heresy, and persons guilty of high treason."— What the decree says, viz. that, according to the laws, natural, divine, and human, no faith ought to have been kept with John Hus, to the prejudice of the orthodox faith, is of a very general consequence. For unless it can be proved that the case of John Hus was different from that of all other hereticks, it follows clearly from thence, that no faith or promise ought to be kept with any heretick whatsoever. — *Hist. of Council of Constance*, book iv. sect. 32.

NOTE

NOTE XII. p. 67.

See an account of the death of the Queen of Navarre; the murder of Admiral Coligni; and the massacre of St. Bartholomew's day, in *Fox's Martyrs*, vol. iii. p. 51 to p. 67. Also see a brief account of the Irish massacre in 1642, in *Southwell's Martyrs*, p. 410 to p. 415.

NOTE XIII. p. 74.

The nuptials of the young King of Navarre with the French King's sister, were solemnized with pomp; and all the endearments, all the assurances of friendship, all the oaths sacred among men, were profusely lavished by Catharine, the queen-mother, and by the king; during which the rest of the court thought of nothing but festivities, plays, and masquerades. At last, at twelve o'clock at night, on the eve of St. Bartholomew, the signal was given. Immediately, all the houses of the Protestants were forced open at once.—Some priests, holding up a crucifix in one hand, and a dagger in the other, ran to the chiefs of the murderers, and strongly exhorted them to spare neither relations nor friends.——See *Southwell's New Book of Martyrs*, p. 104.

France, also, is another country, which, since the Reformation, in some respects, perhaps, more than any other, has been a scene of dreadful cruelties suffered by the Protestants there. After many cruelties had been exer-

exercised towards the Protestants in that kingdom, there was begun a persecution of them in the year 1571, in the reign of Charles IX. king of France. It began with a cruel massacre, wherein 70,000 Protestants were slain in a few days' time, as the king boasted: and, in all this persecution, he slew, as is supposed, 300,000 martyrs. And it is reckoned, that about this time, within thirty years, there were martyred in this kingdom, for the Protestant religion, 39 princes, 148 counts, 234 barons, 147,518 gentlemen, and 760,000 of the common people. — *Pres. Edwards's Hist. of Redemption*, Dr. W.'s ed. vol. v. p. 234.

NOTE XIV. p. 93.

Naturalization cannot be performed, but by act of Parliament: for by this, an alien is put in exactly the same state, as if he had been born in the King's liegance; except only, that he is incapable, as well as a denizen, of being a member of the Privy Council or Parliament, holding offices, grants, &c.—*Blackstone's Commentaries*, vol. i. p. 374.

Aliens are incapable of taking by descent, or inheriting: for they are not allowed to have any inheritable blood in them; rather, indeed, upon a principle of national or civil policy, than upon reasons strictly feodal. Though, if lands had been suffered to fall into their hands, who owe no allegiance to the Crown of England, the design of introducing our feuds, the defence of the kingdom, would have been defeated. Wherefore, if a man

man leaves no other relations but aliens, his land shall escheat to the lord.—*Blackstone's Comm.* vol. ii. p. 249.

NOTE XV. p. 96.

Wrongs are divisible into two sorts or species; *private wrongs*, and *publick wrongs*. The former are an infringement or privation of the private or civil rights belonging to individuals, considered as individuals; and are, thereupon, frequently termed *civil injuries*. The latter are a breach and violation of publick rights and duties, which affect the whole community; and are distinguished by the harsher appellation of *crimes* and *misdemeanors*.—*Blackstone's Comm.* vol. iii. p. 2.

A crime, or misdemeanor, is an act committed, or omitted, in violation of a publick law, either forbidding or commanding it. This general definition comprehends both crimes and misdemeanors; which, properly speaking, are mere synonymous terms: though, in common usage, the word 'crimes' is made to denote such offences as are of a deeper and more atrocious dye; while smaller faults, and omissions of less consequence, are comprized under the gentler name of 'misdemeanors' only. If I detain a field from another man, to which the law has given him a right, this is a civil injury, and not a crime; for here only the right of an individual is concerned, and it is immaterial to the publick, which of us is in possession of the land: but treason, murder, and robbery, are properly ranked among

among crimes; since, besides the injury done to individuals, they strike at the very being of society, which cannot possibly subsist where actions of this sort are suffered to escape with impunity.—*Blackstone's Commentary*, vol. iv. p. 5.

NOTE XVI. p. 99.

In human governments, the power of dispensing with the laws in particular cases, is universally allowed to arise from the weakness and imperfection of all human systems. It is properly remarked by Marquis Beccaria, on crimes and punishments, that a perfect legislation excludes the idea of pardoning, or suspending the stroke of justice.—See *Charges by the Hon. J. Rush, Pennsylvania.*

Nam non repugnat pœnas lege definitas esse justas, et tamen easdem quandoque recte remitti. Nam leges in genere definiunt, quæ pœnæ cuique delicto debeantur, non consideratis peculiaribus circumstantiis, quæ in certa persona, aut certa reipublicæ conditione quandoque occurrunt. Ast venia singulis indulgetur ob certas rationes, quæ haut quidquam in omnibus peccantibus, aut semper deprehendentur.—Vide *Puffend. de Jure Naturæ et Gentium*, lib. viii. cap. 3.

NOTE XVII. p. 101.

The Parliament, by the statute of 1st William and Mary, st. 2. c. 2. enacted, that every person who should be reconciled to, or hold communion with, the See of Rome, should profess the Popish religion, or should marry a Papist, should be excluded, and be for ever incapable to inherit, possess, or enjoy, the crown; and that, in such case, the people should be absolved from their allegiance, and the crown should descend to such persons, being Protestants, as would have inherited the same, in case the person so reconciled, holding communion, professing, or marrying, were naturally dead. To act therefore consistently with themselves, and at the same time pay as much regard to the old hereditary line as their former resolutions would admit, they turned their eyes on the Princess Sophia, electress and duchess-dowager of Hanover, the most accomplished princess of her age. For, upon the impending extinction of the posterity of Charles the First, the old law of regal descent directed them to recur to the descendants of James the First; and the Princess Sophia, being the youngest daughter of Elizabeth, queen of Bohemia, who was the daughter of James the First, was the nearest of the antient blood royal, who was not incapacitated by professing the Popish religion. On her, therefore, and the heirs of her body, being Protestants, the remainder of the Crown, expectant on the death of King William and Queen Anne without issue,

issue, was settled by statute of 12 and 13 William III. cap. 2. And at the same time it was enacted, that whosoever should hereafter come to the possession of the crown, should join in the communion of the Church of England, as by law established.—*Blackstone's Comm.* vol. i. p. 216.

For the security of the *Protestant succession*, it was enacted, by statute 13 and 14 William III. cap. 3. that the pretended Prince of Wales, who was then thirteen years of age, and had assumed the title of James the Third, should be attainted of high treason; and it was made high treason for any of the king's subjects, by letters, messages, or otherwise, to hold correspondence with him, or any person employed by him, or to remit any money for his use, knowing the same to be for his service.—By the statute 1st Anne, st. 2. cap. 17. if any person shall endeavour to deprive or hinder any person, being next in succession to the crown, according to the limitations of the Act of Settlement, from succeeding to the crown, and shall maliciously and directly attempt the same by any overt act, such offence shall be high treason.——*Blackstone's Commentaries*, vol. iv. p. 92.

NOTE XVIII. p. 102.

" It is a most dangerous thing, to shake, or alter, " any of the rules, or fundamental points, of common " law; which, in truth, are the main pillars and sup-

" porters

" porters of the fabrick of the commonwealth."—*Sir Edward Coke's Institutes*, 2d part, p. 74.

NOTE XIX. p. 127.

After the storm was expelled by the victory of Culloden, the Dissenters were elevated in the esteem of the government. The rebellion called forth all their ardour in the cause of liberty, both civil and religious. They were agitated with an indescribable solicitude for the safety of the tolerant throne of Brunswick, and the preservation of that liberal constitution, under which they had, for half a century, enjoyed those blessings which ought to be dearest to immortal beings. The sermons of the pastors, and the prayers of the churches, spoke the lively interest they felt in the contest. Dr. Doddridge exerted himself with great zeal, and at considerable expense, in a cause which appeared to him to affect the Christian as deeply as the patriot. His biographer says, " When " a regiment was raising in Northamptonshire, to be " under the command of the Earl of Halifax, he wrote " many letters to his friends in that country and neigh- " bourhood, to further the design. He went among " his own people, to encourage them to enlist; and " had the pleasure to find many of them engaging " chearfully in the cause. He drew up, and printed " at his own expense, a friendly letter to the private " soldiers of a regiment of foot, which was one of those

" engaged

"engaged in the glorious battle of Culloden." When his friend, Colonel Gardiner, fell in the struggle between the House of Hanover and the Family of Stuart, Dr. Doddridge honoured him as one who had poured out his blood for the sacred as well as civil liberties of Britons. It was his high sense of the importance of the contest to the religious interests of the kingdom, which inspired the biographer with the unusual eloquence which glows in his memoirs of the Colonel. Watts and Doddridge both employed their poetick talents in hymns, which were designed to aid the patriotick devotions of the Dissenters, and express their grateful confidence in the protection of Heaven to the righteous cause of Freedom.—See *Bogue and Bennett's Hist. of Dissenters,* vol. iii. p. 176.

NOTE XX. p. 148.

Another serious misfortune to France was the influence acquired by the popular societies. The Jacobin Club originated from a small and secret association of about forty gentlemen and men of letters, who united themselves, long previous to the meeting of the States-general, for the purpose of disseminating political knowledge among the mass of the people. It was afterwards melted into the Breton Club, at Versailles, during the first sessions of the National Assembly; and the society becoming numerous, on the removal of the King and Assembly to Paris, it obtained the

the possession of the Chapel of the Jacobins, on the dissolution of the monastick orders. The popularity which it acquired soon rendered it exceedingly numerous, and this circumstance pointed it out as a proper engine to work upon the passions of the multitude. From a very early period of its institution, one principal object was, to discuss such political questions as were likely to be agitated in the National Assembly, in order that the members might act in concert, according to the decisions of the majority. This plan was reduced to a system, when the club became numerous, and a regular president and secretaries were chosen; and it became a National Assembly in miniature. Besides the members, an immense multitude of auditors were admitted into the galleries, who applauded or condemned the speakers, as passion or caprice dictated. Here the most inflammatory declamations were heard with the most clamorous testimonies of approbation; and every proposition, in the least inclining to moderation of sentiment, or wisdom in political conduct, was reprobated and condemned. In few words, it became, ultimately, the mere vehicle of faction; where, as is usually the case in such instances, the worst men, and the worst measures, were commonly triumphant. *Fraternal* societies (according to the barbarous jargon, which was adopted as the language of anarchy,) were instituted in all the considerable towns in the kingdom: and the only object of emulation, in these nests of political hornets, seemed to be, which should act most unwisely, and least for the publick benefit.

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In imitation of the Jacobins, several other societies were instituted for the purpose of political discussion; and thus, independent of the perversion of sentiment, an intolerable waste of time was occasioned to the lower classes of society. It should have been one of the great objects of the National Assembly, to dissolve or restrain these factious assemblages, and to restore the nation from that political delirium, in which so great a revolution must necessarily involve them, to the sober paths of industry, economy, and proper subordination. —*Hist. of the French Revolution*, vol. i. p. 435.

NOTE XXI.

What ground have either the Prince or the State to be jealous or alarmed at a new sect or opinion, so long as they inculcate nothing contrary to good morals, nor to the principles of civil government, and the respect due to the supreme authority of the state? But the moment they begin to teach doctrines subversive of authority and government, they ought to be banished; not from the mere circumstance of their being a new sect, or differing from the established mode of worship, but because their principles are destructive of publick order and peace. Were the mere novelty of a religion a sufficient reason for not tolerating it, with what propriety or justice could the primitive Christians complain of the cruel persecutions of Paganism, in the very heart of which they came

came to announce a doctrine which was novel in every sense of the word, and which appeared to the world very strange and uncommon. —— "It is necessary," you will reply, "to watch with a very strict eye all "private assemblies and meetings, especially those "that convene by night." But men of honour and probity will never conceal themselves in that manner, unless they are deterred by fear, or compelled by imminent danger. And if there should be any real foundation for jealousy or distrust, might not certain persons be employed to visit their assemblies, and to be witnesses of what passed there?

See a *Discourse on Liberty of Conscience*, by *G. Noodt*, Professor of Law in the University of Leyden, p. 167.

NOTE XXII. p. 168.

Then shall the Bishop examine every one of them that are to be ordered, in the presence of the people, after this manner following: Do you trust that you are inwardly moved by the Holy Ghost to take upon you this office and ministration, to serve God, for the promoting of his glory, and the edifying of his people?

Answer. — I trust so.

NOTE XXIII. p. 176.

1. The Oath of Allegiance, by the 1st George, st. 2. cap. 13.

> I *A. B.* do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty, King George. So help me God.

2. The Oath of Supremacy, by the 1st George, st. 2. cap. 13.

> I *A. B.* do swear, that I do, from my heart, abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes, excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, supremacy, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. So help me God.

See *Burn's Justice*, vol. iii. p. 231.

NOTE XXIV. p. 183.

To a candid and liberal mind, it must be painful to reflect, that Arians and Socinians are still subject to those galling restrictions which the oppressive Acts of Parliament, passed during the reigns of Elizabeth and Charles the Second, imposed on Dissenters in general. See the *Act of Toleration*, sect. 16. "Provided always, and be it further enacted, by the "authority aforesaid, that neither this act, nor any "clause, article, or thing, herein contained, shall "extend, or be construed to extend, to give any ease, "benefit, or advantage, to any Papist, or Popish "recusant whatsoever, *or any person that shall deny*, "*in his preaching or writing, the doctrine of the blessed* "*Trinity, as it is declared in the aforesaid Articles of* "*Religion.*"—To the author of these Essays, the doctrinal views of the Arian and Socinian appear grossly heterodox; but the decision of the question, on which side truth is to be found, must remain to be given by our final Judge; and, in the interim, all parties will best secure to themselves his approbation, by obedience to those precepts which he enjoined. When two of his disciples were desirous of calling down fire from heaven, to consume those who slighted their master, he reproved them in those emphatick words, "Ye "know not what manner of spirit ye are of;" and his injunction to all who profess to honour him as their

Lord, is, "As ye would that men should do unto you, "do ye even so to them." These are sentiments which must be grossly infringed by every species of persecution.

NOTE XXV. p. 207.

The following remarks upon the number of Protestant Dissenters were drawn up by a very eminent and intelligent Dissenter, in the year 1778; and, from the great increase of ministers and congregations, particularly in the Baptist and Independent connexions, perhaps if we were to compute the number of Protestant Dissenters, in the present day, at double the number at which Mr. Robinson then estimated them, it would not be an exaggeration. "The number of "partizans in many cases prove nothing—AS in com- "munities where the people cannot—or may not— "think for themselves.—BUT in our communities— "where no secular interest warps—and where strong "temptations attack—where inquiry is free—and men "actually examine—NUMBERS are considerable.—THE "present body consists of Baptists — GENERAL and "PARTICULAR — INDEPENDANTS — PRESBYTERIANS— "more strictly Independants, who occupy such meet- "ing-houses as were Presbyterian formerly — THE "PEOPLE called QUAKERS. — There are in England "and Wales about 1400 congregations of the three "first denominations — the largest third of which is "Baptist

"Baptist—The Quakers are numerous—The whole "is at least one-fifth of the nation."

See *Robinson's Lectures on Nonconformity.*

NOTE XXVI. p. 220.

"The baptism of the Dissenters (say the ecclesi- "asticks) is no baptism; their dispensation of the Lord's "Supper is no sacrament; their prayers, as ministers of "Christ, are no prayers, and have no influence; and their "preaching is no preaching, and utterly destitute of "effect: they are, therefore, all of them out of the pale "of the Church of God." But on what foundation could they rest so weighty a charge? They reasoned thus: "Ordination is absolutely necessary to make a "man a minister. This ordination must be performed "by the laying on of the hands of a bishop: and that "bishop must have derived his office and authority, by "a regular succession, from the Apostles. Such an "ordination the dissenting ministers have not had: "they were ordained by presbyters only, who have no "right to ordain: therefore their ordination was not "valid. They are no ministers of Christ, but continue "mere laymen; and their ministrations are invalid, "and have no effect. So that, though the poor unhappy "people think they are baptized, and have received the "Lord's Supper, it is a dangerous mistake: all their "ministrations are a mere nullity."——The church of

of Rome, which, in the symbolical writings of the Anglican church, is represented as the whore of Babylon, was now considered as a chaste virgin espoused to Christ; her sons were embraced as brethren, and their ministry and services accounted valid, because, in their ordination, a bishop laid his hand upon their shaven crowns; while the unbishoped churches of the Reformation were disowned as of spurious breed, and their ministers were said to be in "pretended holy orders."—*See Bogue and Bennett's History of Dissenters*, vol. i. p. 419—421.

The severity with which you speak of the ordination of the Dissenters, though the very same with that of all the illustrious churches of Protestants abroad, whilst, at the same time, you are so complaisant as to acknowledge the validity of the ordinations of the church of Rome, is a conduct so extraordinary in a Protestant Divine, that I never yet saw any plausible reasons for supporting it. The hands, and the devoutest prayers of a company of truly virtuous, religious, and Christian Presbyters, in Scotland or Geneva, are not so efficacious, it seems, to send a man forth a true minister in the Church of Christ, as the hands and superstitious prayers of an Antichristian, idolatrous, persecuting, and wicked bishop of Italy or of Spain. No: let a priest, ordained by one of these, come over to the church of England, he shall be received as a valid minister, rightfully ordained; but, let another, ordained by the most learned religious presbytery, which Germany, Hungary, or the whole world can boast, come over also

to

to this church, this Protestant church, his orders shall be pronounced not valid; he must submit to be re-ordained.—*Towgood's Letters to White*, p. 179.

NOTE XXVII. p. 269.

It is necessary to observe, that the revolution in France was, at the first, too suddenly effected. The change in the circumstances, habits, and opinions of the people, was too violent, and they were too little prepared for the enjoyment of liberty.—Had the king favoured, to a certain degree, the liberty of the press, the free discussion of controverted points might have been advantageous to the cause of truth and moderation; while, on the contrary, the people, having been wholly unaccustomed to the liberty of the press, were not on their guard against its licentiousness, and were constantly imposed upon, and (became) the dupes of the infamous journalists and their employers.——A most fatal means of promoting bad dispositions among the people has been the popular societies, instituted throughout the kingdom, for debating upon political subjects; and the Jacobins in particular. In the first dawn of French liberty, such institutions might have their use; but they should even then have been restrained within moderate bounds, and as soon as possible dissolved.—*History of the French Revolution*, vol. ii. pp. 336—346.

NOTE XXVIII. p. 273.

If there should happen any uncommon injury, or infringement of the rights above mentioned, which the ordinary course of law is too defective to reach, there still remains a fourth subordinate right, appertaining to every individual; namely, the right of petitioning the King, or either House of Parliament, for the redress of grievances. In Russia, we are told that the Czar Peter established a law, that no subject might petition the throne, till he had first petitioned two different ministers of state. In case he obtained justice from neither, he might then present a third petition to the Prince; but upon pain of death, if found to be in the wrong. The consequence of which was, that no one dared offer such third petition; and grievances seldom falling under the notice of the sovereign, he had little opportunity to redress them[1]. The restrictions, for some there are, which are laid upon petitioning in England, are of a nature extremely different; and while they promote the spirit of peace, they are no check upon that of liberty. Care only must be taken, lest, under the pretence of petitioning, the subject be guilty of any riot or tumult, as happened in the opening of the memorable Parliament in 1640: and, to prevent this, it is provided by the statute 13 Car. II. st. 1. c. 5. that no petition to the King, or either House of Parliament, for any alteration in church or state, shall be

(1) See Montesquieu's Spirit of Laws.

be signed by above twenty persons, unless the matter thereof be approved by three justices of the peace, or the major part of the grand jury, in the county; and in London, by the lord-mayor, aldermen, and common-council: nor shall any petition be presented by more than ten persons at a time. But, under these regulations, it is declared by the statute 1st William and Mary, st. 2. c. 2. that the subject hath a right to petition; and that all commitments and prosecutions for such petitioning are illegal. — *Blackstone's Commentaries*, vol. i. p. 143.

NOTE XXIX. p. 295.

The unhappy influence of those publications, which tend to deteriorate the moral principles of the youth in the community, is manifest in a great variety of instances; but in nothing more obvious than in the infidel bias which they impart to the general operation of the mental powers; and the awful consequence of that bias, when adverse events agitate the mind, and damp the ardour of expectation.

" Thus often, unbelief, grown sick of life,
" Flies to the tempting pool, or felon knife:
" The jury meet, the coroner is short,
" And ' lunacy ' the verdict of the court.
" Reverse the sentence, let the truth be known,
" Such lunacy is *(unbelief)* alone."

COWPER'S *Truth*.

NOTE

NOTE XXX. p. 302.

Being thus in custody, Edward Bushel, one of the said jurors, on the ninth of November following, brought his Habeas Corpus in the Court of Common Pleas. On which the sheriffs of London made return, 'That he 'was detained by virtue of an order of Sessions, whereby 'a fine of forty marks was set upon him, and eleven 'others, particularly named; and every one of them 'being jurors sworn to try the issues joined between 'the King, and Penn, and Mead, for certain trespasses, 'contempts, unlawful assemblies, and tumults, and who 'then, and there, did acquit the said Penn, and Mead, 'of the same, against the law of this kingdom, and 'against full, and manifest, evidence; and against the 'direction of the court in matter of law, of and upon 'the premises openly in court to them given and 'declared; and it was ordered, they should be impri-'soned till they severally paid the said fine, which the 'said Bushel not having done, the same was the cause 'of his caption and detention.'

The court coming to debate the validity of this return, adjudged the same insufficient: For, 1. The words, 'Against full, and manifest, evidence,' was too general a clause: the evidence should have been fully, and particularly, *recited*; else how shall the court know that it was so full and manifest? they have now only the judgement of the sessions for it, that it

it was so: 'but,' said the judges, 'our judgements 'ought to be grounded upon our own inferences and 'understandings, and not upon theirs.'

2. It is not said, that they acquitted the persons indicted against full and manifest evidence, *corruptly*, and *knowing* the said evidence to be *full* and *manifest*. For otherwise it can be no crime; for that may seem full, and manifest, to the court, which does not appear so to the jury.

3. The other part of the return; viz. 'That the 'jury had acquitted those indicted, against the direc- 'tion of the court in matter of law,' was also adjudged to be nought, and unreasonable; and the fining the juries for giving their verdict in any case concluded to be illegal, for the several reasons before recited, and other authorities of law urged to that purpose; and all the precedents, and allegations, brought to justify the fine, and commitment, solidly answered. Whereupon the chief justice delivered the opinion of the court, 'That *the cause of commitment was insufficient;*' and accordingly the said Bushel, and other his fellow-prisoners, were discharged, and left to the common law for remedy and reparation of the damages, by that tortuous, illegal imprisonment, sustained.

See a pamphlet entitled *The Englishman's Right*, by *Sir John Hawles*, Knt. Solicitor-general to King William the Third. Also the case at large, with all the objections and precedents, and the reasons of the court, in *Vaughan's Report*, folio, p. 135 to p. 158.

NOTE

NOTE XXXI. p. 303.

In order to maintain both the dignity and independence of the judges in the superior courts, it is enacted, by the statute 13 William III. c. 2. that their commissions shall be made (not, as formerly, *durante bene placito*, or *during pleasure*, but) *quamdiu bene se gesserint, so long as they conduct themselves well*, and their salaries ascertained and established, but that it may be lawful to remove them on the address of both Houses of Parliament. And now, by the noble improvements of that law, in the statute of 1st George III. c. 23. enacted at the earnest recommendation of the King himself from the throne, the judges are continued in their offices during their good behaviour, notwithstanding any demise of the Crown, (which was formerly held immediately to vacate their seats,) and their full salaries are absolutely secured to them during the continuance of their commissions; his Majesty having been pleased to declare, that "he "looked upon the independence and uprightness of "the judges as essential to the impartial administra- "tion of justice; as one of the best securities of the "rights and liberties of his subjects; and as most "conducive to the honour of the crown."—*Blackstone's Commentaries*, vol. i. p. 267.

NOTE XXXII. p. 319.

Several persons were sent into different countries, to preach up indulgences in sin, and to receive money for them. The collectors persuaded the people, that those who gave to the value of about ten shillings sterling, should, at their pleasure, deliver one soul from the pains of purgatory. But if the sum was less, they preached, that it would profit them nothing.

The Pope employed the Dominicans in this dirty work in Germany; at which the Augustines were irritated, and pretended that the office of retailing indulgences belonged to them. As all the money, raised this way in Saxony and thereabouts, was granted to Magdalen, sister to the Pope, she, to make the most of it, appointed Archimbald, a bishop, by habit and title, but well versed in the tricking part of trade as a Genoese, to manage for her. But we are told, that Albert of Brandenburg, archbishop of Mentz and Magdeburg, who was soon after made a cardinal, had a commission for Germany: that, instead of employing the Augustine friars, who had laboured above all the religious orders to make them pass, he gave his commission to John Tetzelius, a Dominican, and to other friars of the same order; because he had lately collected great sums for Knights of the Teutonick order, who were at war against the Muscovites, by preaching up the like indulgences, which the Pope had granted to these knights.

knights. Tetzelius, or Iccelius, as he is called by some, boasted, that 'He had so ample a commission 'from the Pope, that, though a man should have de- 'flowered the Virgin Mary, for a proper sum of money 'he could pardon him;' and assured the people, that 'He did not only give pardon for sins past, but also 'for sins to come.'—*Middleton's Life of Luther.*

NOTE XXXIII. p. 327.

On St. Bartholomew's day, August 24, 1662, the Act of Uniformity expelled from the Establishment all ministers who would not swear their unfeigned assent and consent to every thing in the Book of Common Prayer. In many parts of the kingdom, the ministers could not procure the book before the time, within which the law required them to swear to it, or resign their livings; so that, in their farewell sermons, they told their flocks, that they were obliged to leave them for not swearing to a book which they had not been able to see. But this was no obstacle to the ruling party, who wished for the most costly sacrifices at the shrine of absolute obedience, and longed to rid themselves of men who were troubled with a conscience.

Two thousand ministers resigned their livings in the Establishment; and exposed themselves to the loss of all things, rather than submit to these new terms of conformity, which their consciences condemned. Bartho-

Bartholomew's day was chosen, because they would be deprived of their year's income, which would be due shortly after. No portion of their former livings was reserved to keep them from starving; for these persecutors were not ashamed to be outdone by their enemies[1]. The great Mr. Locke styles these two thousand ejected ministers, 'learned, pious, orthodox, 'divines;' and we have no hesitation in saying, that of them the world was not worthy, nor have their equals been seen in any age or nation. Their writings have erected to their memory a monument more durable than brass or marble; which has so perpetuated and diffused their sentiments and spirit, that had their enemies anticipated the consequences of excluding them from the pulpits, they would have left them to preach, that they might have had no leisure to write.—*Bogue and Bennett's Hist. of Diss.* vol. i. p. 98.

(1) See Burnet, vol. II. p. 184.

THE END.

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